

# **INTEGRATED LAND MANAGEMENT: A NEED FOR PROVIDING SPEEDY SERVICE TO THE STAKE HOLDERS**

**A dissertation**

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**Submitted to the  
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**Institute of Governance Studies  
BRAC University  
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Md. Zahidul Islam Bhuiyan



## **Executive Summary**

Land and life is closely related to each other. Though in primitive stage human survival was based on hunting, from the beginning of agriculture, land is considered to be the basic source of all resource needed for human survival. Development of a country largely depends upon the appropriate and proper use of land. But for many reasons its importance often remains uncared in our country.

Present land management in Bangladesh is not satisfactory. The present haphazard condition will not be able to bring good result in the future. Land is getting scared day by day. The mindless use of land creates enormous problems specially in the urban areas. Even the entire environment is being jeopardized due to unscientific abuse of land. Ultimately its implication is reflected in the national economy.

The principle set back of the present land management is its disintegration. Having a separate ministry called Ministry of Land to deal with the matters related to land and its Management surprisingly all functions of land management is not vested to this ministry. Services are delivered to stake holders at field level and national level from three executive offices of two different Ministries. If we analyze the structure it is cleared that from the ministry level disintegration starts and extended to the lowest field level offices. Its ultimate result is multidimensional and the most important one is the delay in getting or providing service to the stakeholders. As land is the principal factor in food production, substantial increase in the amount of food production largely depends on the effective management of land and its appropriate use also.



Perhaps we have arrived at a critical juncture of 21<sup>st</sup> century. So it is the high time to manage and administer land in a prudent manner. Any sort of negligence and unnecessary inclination to any vested group may lead us into catastrophic calamity created by ourselves. Integrated land management is a crying need for the country. Any delay in this regard may compel us to face its dire consequences.

From various level and corners problem about the disintegrated land management is recognized. The government of Bangladesh has long recognized the serious problem associated with its present system of service delivery from different point at national and field level offices. This study aimed at finding the stake holders' thinking and opinion regarding introducing integrated land management with view to provide speedy service. Al most unanimously respondents of different categories opine for introducing integrated land management at least at Upzilla level without any further delay.

## Statement of the Candidate

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# ***Table of Contents***

| <b>Content</b>                                                                                                      | <b>Page no</b> |
|---------------------------------------------------------------------------------------------------------------------|----------------|
| Thesis Title                                                                                                        | i              |
| Certificate                                                                                                         | ii             |
| Acknowledgement                                                                                                     | iii            |
| Executive Summary                                                                                                   | iv             |
| Statement of the Candidate                                                                                          | v              |
| Table of Contents                                                                                                   | vi             |
| List of Tables                                                                                                      | xi             |
| List of Figures                                                                                                     | xii            |
| List of Charts                                                                                                      | xiii           |
| Glossary (Bangla)                                                                                                   | xiv            |
| Glossary (English)                                                                                                  | xv             |
| Abbreviations                                                                                                       | xvi            |
| <br><b>Chapter- One</b>                                                                                             |                |
| <b>Introduction</b>                                                                                                 | 01-13          |
| 1.1 Land Management in Bangladesh                                                                                   | 01             |
| 1.2 Problem exists in present disintegrated land management:<br>Recognized in various Policy and Planning documents | 02             |
| 1.3 Background of the Study:                                                                                        | 06             |
| 1.3.1 Brief historical reasons behind disintegrated land management                                                 | 06             |
| 1.3.2 Record keeping/Updating                                                                                       | 07             |
| 1.3.3 Preparation of Khatian and Map Record of Rights (ROR)                                                         | 07             |
| 1.3.4 Registration of Land transfer through sale                                                                    | 08             |
| 1.3.5 Necessity of Integrated land management                                                                       | 09             |
| 1.3.6 Positive step of Integrated Land Management                                                                   | 09             |
| 1.4 Objective of the study:                                                                                         | 10             |
| 1.5 Research questions                                                                                              | 10             |
| 1.6 Justification/Rationale of the study:                                                                           | 11             |
| 1.7 Outline Plan:                                                                                                   | 11             |
| 1.8 Research Design:                                                                                                | 12             |
| 1.9 Methodology                                                                                                     | 12             |
| 1.10 Limitations                                                                                                    | 13             |



|                                                                                                                    |       |
|--------------------------------------------------------------------------------------------------------------------|-------|
| <b>Chapter- Two</b>                                                                                                |       |
| <b>Literature Review</b>                                                                                           | 14-26 |
| 2.1 Introduction                                                                                                   | 14    |
| 2.2 Brief History of Land Administration & Land reform in up to Independence                                       | 14    |
| 2.2.1 Pre-Muslim period                                                                                            | 14    |
| 2.2.2 Other Muslim and Moghul period                                                                               | 15    |
| 2.2.3 British period                                                                                               | 15    |
| 2.2.3.1 Grant of Dewani                                                                                            | 15    |
| 2.2.3.2 Quinquennial Settlement                                                                                    | 16    |
| 2.2.3.3 Decennial Settlement                                                                                       | 16    |
| 2.2.3.4 Permanent Settlement                                                                                       | 16    |
| 2.2.3.5 Direct control of British Government                                                                       | 16    |
| 2.2.4 Pakistan period                                                                                              | 17    |
| 2.2.4.1 Abolishment of Zamindari                                                                                   | 17    |
| 2.2.4.2 Institutional Reform                                                                                       | 17    |
| 2.3 Brief History of Land Administration and its reform in Bangladesh after independence                           | 18    |
| 2.3.1 Initial efforts immediate after the independence                                                             | 18    |
| 2.3.2 Institutional reform and change in the administrative setup                                                  | 19    |
| 2.4 Preconditions for efficient integrated land management                                                         | 21    |
| 2.5 Present situation: How far match with the above preconditions                                                  | 22    |
| 2.6 Brief list of reform efforts after independence: Idea of integration was absent or not felt before CLO         | 22    |
| 2.7 CLO: A comprehensive attempt but struggling for various reasons                                                | 21    |
| 2.8 Where can integrated land management yield greatest dividends?<br>From the view point of the literature review | 26    |
| 2.9 The state of Land Administration in Bangladesh: Outlined from the Literature review                            | 26    |
| <b>Chapter- Three</b>                                                                                              |       |
| <b>Impact of disintegrated land management</b>                                                                     | 27-40 |
| 3.1 Introduction                                                                                                   | 27    |
| 3.2 Land Administration set up                                                                                     | 27    |
| 3.3 Disintegration Management Structure at Different level                                                         | 29    |



|         |                                                                      |    |
|---------|----------------------------------------------------------------------|----|
| 3.4     | Land use statistics: reflects the outcome mismanagement              | 30 |
| 3.5     | Impact on national growth, poverty reduction & food production       | 31 |
| 3.6     | Preparation of ROR: Impact of disintegration                         | 32 |
| 3.6.1   | Legal Basis for ROR                                                  | 33 |
| 3.6.2   | Operational framework of Survey operation                            | 33 |
| 3.7     | Maintenance and updating (Mutation) of ROR: Impact of disintegration | 34 |
| 3.7.1   | Meaning of Mutation                                                  | 35 |
| 3.7.2   | Legal Framework                                                      | 35 |
| 3.7.3   | Process Followed                                                     | 35 |
| 3.7.4   | Maintenance of Land Records                                          | 35 |
| 3.8     | Land transfer deed registration: impact of disintegration            | 36 |
| 3.8.1   | Rationale for Deed Registration                                      | 37 |
| 3.8.2   | Institutional Arrangement                                            | 37 |
| 3.8.3   | Analysis of Problems and Limitations of Registration                 | 37 |
| 3.8.3.1 | Registration- a Mere Record of Transfer                              | 37 |
| 3.8.3.2 | Lack of Cooperation with Land Functionaries                          | 38 |
| 3.8.3.3 | Irrelevant Context and Content of a Deed                             | 38 |
| 3.8.3.4 | Lengthy Process of Registration                                      | 38 |
| 3.8.3.5 | Corruption                                                           | 39 |
| 3.8.3.6 | Lack of Access to Information                                        | 39 |
| 3.9     | Land tenure and investment: Security is needed for safe investment   | 40 |
| 3.10    | Conclusion                                                           | 40 |

#### **Chapter- Four**

#### ***A new framework of Integrated land Management*** 41-46

|      |                                                                                                                                                 |    |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 4.1  | Positive outcome expected from Integrated Land Management                                                                                       | 41 |
| 4.2  | Present disintegrated functional structure of land management                                                                                   | 42 |
| 4.3  | Impact of disintegration on keeping and updating of ROR in connection with Survey, Registration, Personal application & Tahshildesr's reporting | 43 |
| 4.4  | Proposed Integrated land management set up at Upzilla level                                                                                     | 44 |
| 4.5  | Proposed Integrated land management set up at national and field level                                                                          | 45 |
| 4.6. | Expected positive out come of integrated land management at national level                                                                      | 46 |



## **Chapter- Five**

|                                                                                                                                                |       |
|------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <b>Data Analysis</b>                                                                                                                           | 47-59 |
| 5.1 Introduction                                                                                                                               | 47    |
| 5.2 Collection of data with the new conceptual framework                                                                                       | 47    |
| 5.3 Causes behind so many civil & criminal disputes in Bangladesh                                                                              | 48    |
| 5.4 Causes behind Complexity in land management in Bangladesh                                                                                  | 50    |
| 5.5 Integrated land management will improve the present complex situation of land management and help providing speedy service to the citizens | 52    |
| 5.6 Disintegrated land management is not sufficient for providing speedy service to the citizens                                               | 53    |
| 5.7 How fast different land offices are providing service to the citizens: From service providers' point of view                               | 55    |
| 5.8 How fast citizens are getting services from different land offices : from service recipients' point of view                                | 56    |
| 5.9 What could be the present provable mechanism of providing speedy service to the citizens at Upzilla level                                  | 57    |
| 5.10 Present provable Official arrangements of Integrated Land arrangement at Upzilla level                                                    | 58    |

## **Chapter- Six**

|                                          |       |
|------------------------------------------|-------|
| <b>Findings of the Study</b>             | 60-61 |
| 6.1 Introduction                         | 60    |
| 6.2 Essence of the data analysis         | 60    |
| 6.3 Summarized Key findings of the study | 61    |

## **Chapter- Seven**

|                                                                                               |       |
|-----------------------------------------------------------------------------------------------|-------|
| <b>Recommendations &amp; Conclusion</b>                                                       | 62-64 |
| 7.1 Introduction                                                                              | 62    |
| 7.2 Speedy service: things to do                                                              | 63    |
| 7.3 Functional procedure to introduce integrated land management for providing Speedy service | 63    |
| 7.4 Impediments behind Integrated Land Management:                                            | 64    |
| 7.5 Conclusion                                                                                | 64    |



**References****66-67****Annexes**

68-82

|            |                                                                      |    |
|------------|----------------------------------------------------------------------|----|
| Annexure A | Portion of a Typical of Muza Map                                     | 68 |
| Annexure B | Computerized comprehensive digital Mapping with multiple information | 69 |
| Annexure C | A Typical Khatian                                                    | 70 |
| Annexure D | Questionnaire A                                                      | 71 |
| Annexure E | Questionnaire B                                                      | 74 |
| Annexure F | Questionnaire C                                                      | 77 |
| Annexure G | Questionnaire D                                                      | 80 |



## ***List of Table***

|           |                                                                                                                                                                        |    |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Table-1.1 | Distribution and percentage of land litigation under investigation (year 2000)                                                                                         | 05 |
| Table-1.2 | Distribution and percentage of land litigation under investigation                                                                                                     | 05 |
| Table-5.1 | Responses of the different respondents regarding principal causes behind so many civil & criminal disputes in Bangladesh                                               | 49 |
| Table-5.2 | Observation of the different respondents regarding principal causes behind Complexity in land management in Bangladesh                                                 | 51 |
| Table-5.3 | Responses regarding whether integrated land management will improve the present complex situation of land management and help providing speedy service to the citizens | 52 |
| Table-5.4 | Responses regarding whether present disintegrated land management structure at field level is sufficient for providing speedy service to the citizens                  | 54 |
| Table-5.5 | Responses regarding how fast different land offices are providing service to the citizens                                                                              | 55 |
| Table-5.6 | Responses regarding how fast citizens are getting services from different land offices                                                                                 | 56 |
| Table-5.7 | Responses regarding provable mechanism of providing speedy service to the citizens at Upzilla level                                                                    | 57 |
| Table-5.8 | Observation of the different respondents regarding present Official arrangements of Integrated Land arrangement at Upzilla level                                       | 59 |



## ***List of Figure***

|             |                                                                                                                                                                               |    |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Figure- 1.1 | Disintegrated land management structure at national & filed level                                                                                                             | 02 |
| Figure- 3.2 | Negative impact of disintegrated land management                                                                                                                              | 31 |
| Figure- 3.3 | Preparation of ROR and Mouza map Under DLRS                                                                                                                                   | 32 |
| Figure- 3.4 | Keeping & updating of ROR at Upzilla Land Office                                                                                                                              | 34 |
| Figure- 3.5 | Land Transfer Deed Registration in the Sub Registry                                                                                                                           |    |
| Figure- 4.2 | The present structure of Land Management in Bangladesh                                                                                                                        | 42 |
| Figure- 4.2 | Land Record Updating in Upzila land Office<br>(from different sources):                                                                                                       | 43 |
| Figure- 4.3 | Proposed Integrated land management Setup at Upzilla<br>Level - Land Record Updating and Other services will be<br>provided from one Single Point (Revised Upzila land Office | 44 |
| Figure: 4.4 | A schematic Diagram of probable Integrated Land Management<br>at National and field level: This can minimize existing<br>mismanagement                                        | 45 |
| Figure: 4.5 | Expected positive impact of integrated land management<br>on national growth, poverty reduction & food production                                                             | 46 |



## ***List of Chart***

|                   |                                                                                                                                                                               |           |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Chart: 5.1        | Responses of the different respondents regarding principal causes behind so many civil & criminal disputes in Bangladesh                                                      | 49        |
| Chart: 5.1.1      | Responses of the respondents regarding principal causes behind so many civil & criminal disputes in Bangladesh (pie chart)                                                    | 49        |
| <b>Chart 5.2:</b> | <b>Observation of the different respondents regarding principal causes behind Complexity in land management in Bangladesh</b>                                                 | <b>00</b> |
| <b>Chart 5.3:</b> | <b>Responses regarding whether integrated land management will improve the present complex situation of land management and help providing speedy service to the citizens</b> |           |
| Chart: 5.4        | Observation of the different respondents regarding principal causes behind Complexity in land management in Bangladesh                                                        | 51        |
| Chart: 5.5        | Responses regarding how fast different land offices are providing service to the citizens                                                                                     | 55        |
| Chart: 5.6        | Responses regarding how fast citizens are getting services from different land offices                                                                                        | 56        |
| Chart: 5.7        | Responses regarding provable mechanism of providing speedy service to the citizens at Upzilla level                                                                           | 58        |
| Chart: 5.8        | Observation of the different respondents regarding present Official arrangements of Integrated Land arrangement at Upzilla level                                              | 59        |



## Glossary (Bangla)

|                  |                                                                                                                                 |
|------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <i>amin</i>      | Temporarily employed survey fieldworker. Responsible for preparation of <i>katians</i>                                          |
| <i>benami</i>    | Land property purchased and recorded in name of person who is not the true owner                                                |
| <i>bujharat</i>  | Local explanation of <i>kistwar</i> . Draft <i>khatian</i> handed over to owners and entries explained                          |
| Chalan           | Receipt of money deposited                                                                                                      |
| <i>char</i>      | Alluvial land or land thrown up from river                                                                                      |
| <i>diara</i>     | Riverine areas where alluvion and diluvion occur. Settlement operation in char or alluvial area                                 |
| <i>dewani</i>    | Right of collecting revenue on be half the Govt.                                                                                |
| <i>jalmohal</i>  | A designated fishing ground. A water estate                                                                                     |
| <i>janch</i>     | Verification of record of rights before final publication in the settlement operation                                           |
| <i>jotedar</i>   | Rich peasants controlling land and revenue collection for <i>zamindars</i>                                                      |
| <i>kanungo</i>   | Sub-assistant settlement officer. A revenue position junior to AC (Land)                                                        |
| <i>khals</i>     | Drainage channels connecting <i>beels</i> to adjacent rivers                                                                    |
| <i>khanapuri</i> | Preliminary land record writing. Filling in of columns of <i>khatian</i>                                                        |
| <i>khas</i>      | State land under administration of MOL arising either from new formation or seizures in excess of 33.3 acres ceiling under land |
| <i>khatian</i>   | Record of Rights                                                                                                                |



|                         |                                                                                                                                                                  |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>kistwar</i>          | Cadastral traverse plot to plot survey                                                                                                                           |
| <i>mouza</i>            | Revenue village                                                                                                                                                  |
| <i>shalish</i>          | Local adjudication                                                                                                                                               |
| <i>tasdik</i>           | Attestation                                                                                                                                                      |
| <i>tehsil</i>           | Lowest Union –Parishad revenue unit comprising several <i>mouza</i>                                                                                              |
| <i>tehsildar</i>        | Local revenue collector                                                                                                                                          |
| <i>Union – Parishad</i> | Lowest Administrative unit run by Local Govt. Body                                                                                                               |
| <i>zamindar</i>         | Large landed proprietor from Mughal period with ultimate tax collection and extraction rights. Position modified under colonial Permanent Settlement Act of 1793 |

## Glossary (English)

|             |                                                                                                                                                                |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alluvion    | Accretion of land by movement of water                                                                                                                         |
| Attestation | Stage of settlement operation where <i>khatians</i> prepared by <i>amins</i> are checked, verified and attested by a revenue officer at the <i>mouza</i> level |
| Cadastre    | Record of ownership, area and character of land (by plot or by owner)                                                                                          |
| Collector   | District level official responsible for collection of revenue from government land, the Deputy Commissioner                                                    |
| Diluvion    | Loss of land by erosion of river or sea                                                                                                                        |
| Mutation    | Actions of <i>tehsildars</i> and ACs (Land) to update records reflecting change in ownership and physical alterations                                          |
| Recorder    | Officer in charge of land records                                                                                                                              |
| Settlement  | Major Survey and establishment of land ownership                                                                                                               |



## Acronyms

|           |                                               |
|-----------|-----------------------------------------------|
| AC (Land) | Assistant Commissioner (Land)                 |
| ADC(R)    | Additional Commissioner (Revenue)             |
| ASO       | Assistant Settlement Officer                  |
| CLO       | Certificate of Land Ownership (proposed)      |
| CS        | Cadastral Survey                              |
| DC        | Deputy Commissioner                           |
| DLRS      | Directorate of Land Records and Surveys       |
| EBSATA    | East Bengal State Acquisition and Tenancy Act |
| SA&T Act  | State Acquisition & Tenancy Act               |
| IPTT      | Immovable Property Transfer Tax               |
| LDT       | Land Development Tax                          |
| LRB       | Land Reforms Board                            |
| MOL       | Ministry of Land                              |
| RDC       | Revenue Deputy Collector                      |
| ROR       | Record of Rights                              |
| SRS       | Survey and Re-settlement Operations           |
| UNO       | <i>Upazilla Nirbahi Officer</i>               |
| UP        | Union Parishad                                |
| ZSO       | Zonal Settlement Officer                      |







# 1

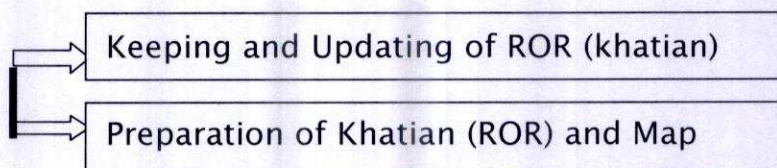
# Introduction

## 1.1 Land Management in Bangladesh

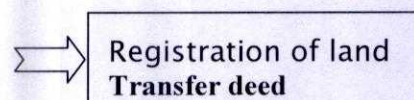
Land is the basic source of all resource. Development of a country, specially a country like Bangladesh largely depends upon the appropriate and prudence use of land. But for many reasons its importance often remains uncared. Present land management in Bangladesh is not satisfactory. Ultimately its implication is reflected in the national economy. The principal sat back of the present land management is its disintegration. There is a separate ministry called Ministry of Land to deal with the matters related to land and it's Management. But surprisingly all functions of land management are not vested to this ministry.

Different services are being delivered to stake holders at field level as well as national level from three executive offices of two different Ministries. These are:

### A. Ministry of Land



### B. Ministry of Law, Justice and Parliamentary Affairs



Registration of land is under the Ministry of Law, Justice and Parliamentary Affairs. It is indeed a unique and peculiar in nature.



Let us have a glimpse at the present land management structure of Bangladesh.

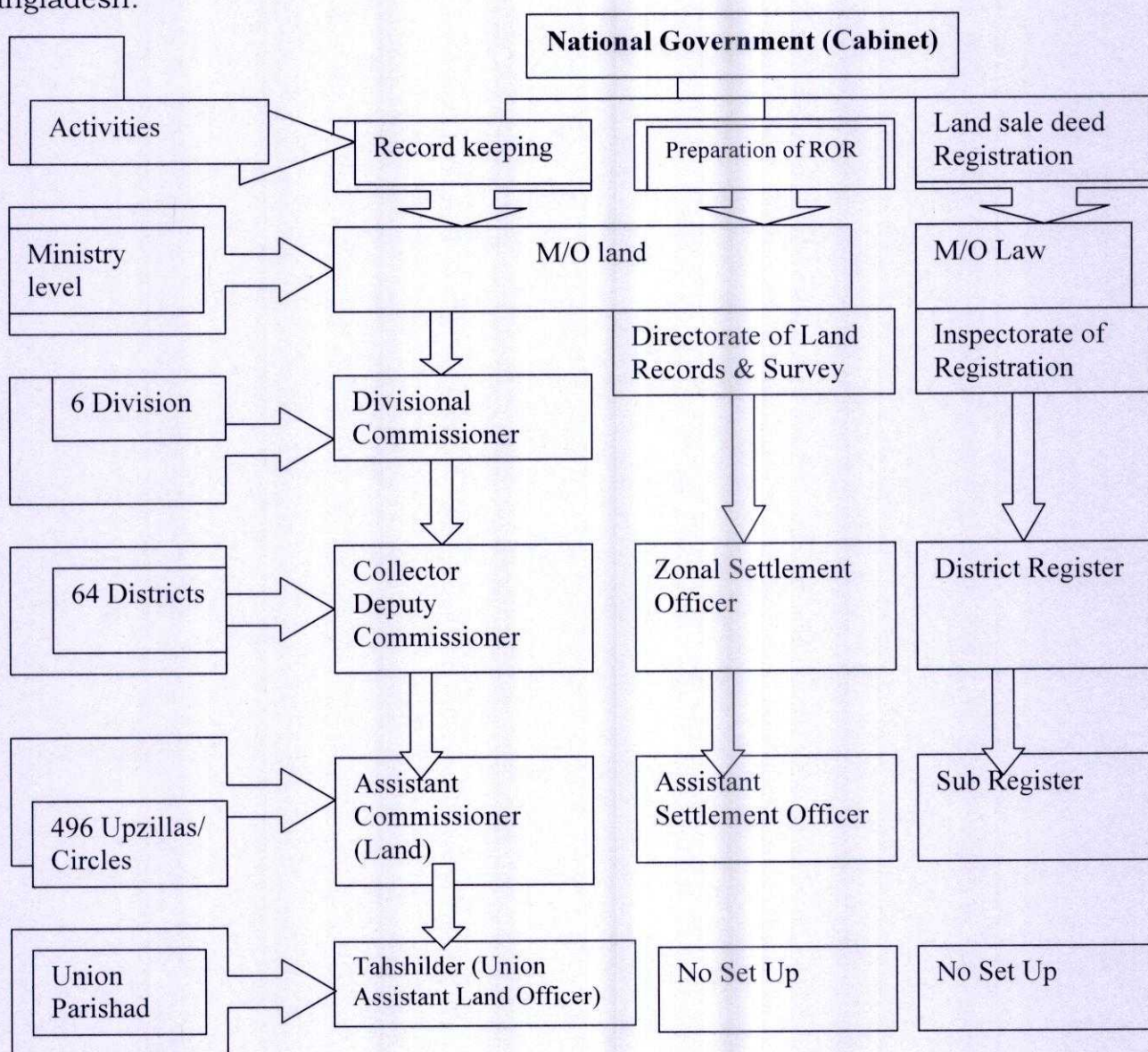


Fig 1.1: Disintegrated land management structure at national and field level

If we analyze the structure it is cleared that from the ministry level disintegration starts and extended to the lowest tier. Its ultimate result is multidimensional and the most important one is the delay in getting or providing service to the stakeholders specially from the field level offices.

## 1.2 Problem exists in present disintegrated land management: Recognized in various Policy and Planning documents

“Ownership of land decides who eats and who does not eat in Bangladesh” (Hartman and Boyce 1981:17). This statement reminds us about the importance of land management in Bangladesh. Along with



Bangladesh the whole world is now facing the problem of food crisis. We have already witnessed severe food crisis in 2007-2008. When all the big powers of the world are anxious about energy security, suddenly the issue of food security popped up with a greater momentum to realize about Malthusian theory on population and food crisis.

How food security can be ensured? Land is the ultimate resource from which wealth generates. Numerous artificial goods can be produced to fulfill human needs other than food. Food productivity can be improved up to a certain limit by using modern technology. But since land is the principal factor in food production, substantial increase in the amount of food production largely depends on the effective management of land and its appropriate use. There are many examples in the contemporary world where successful reform and integration in the land management lead to greater productivity in agriculture as well as in food production. We can cite example of Japan, South Korea, Taiwan, Indonesia, Brazil and West Bengal along with few other states of India

The complexity of disintegrated land management is stated in various study reports of World Bank and other local as well as foreign specialized organizations. One of those is as follows:

“The existing complex and disjointed system of records needs to be amalgamated into a simpler system relaying on a single certificate of ownership that is sufficient for all sort transactions. A new settlement is required to create a clean set of land records. Reform should also provide for maintenance and regular updating of records and for an effective and unbiased adjudication process for expeditiously resolving conflicts that may arise in the process of maintaining and updating of records. ----- Ideally this process should be locally based with limited layers of appeal” – ‘Bangladesh Study of Land Issues’ South Asia Rural Development Team, World Bank office, Dhaka, March 2000.



Same notion is revealed in the reports of Public Administration Reform the Public Administration Reform Commission, in its recommendations regarding land administration proposed, "to introduce a Certificate of Land ownership to be provided to the owners of land. Instead of the family-based Khatian<sup>1</sup> (Record of Rights, ROR), it is proposed to introduce a plot-based 'khatian'. There should be a simplification of forms and language for preparing the documents, introduction of treasury chalan<sup>2</sup> instead of stamp duty, placement of Assistant Commissioner (Land), Sub Registrar and Assistant Settlement Officer in the same vicinity, and the amendment of all laws and rules in connection with the modernization of land administration"-(PARC Report 1998 submitted to the Prime Minister.)

The clear statement about integrated land management in PRSP<sup>3</sup> is "Given the scarcity of land the paramount importance of its optimal use, consultations strongly pointed out the need for formulation of a sound land use policy. For better service delivery and transparency, land survey, land records and land registration should be brought under one authority and should be modernized"

Same notion of integrated land management is stated in National Land Use Policy 2001. Here importance of integrated land management is clearly identified and a solution mechanism is proposed through implementation of CLO<sup>4</sup> which is a substantive step towards integrated land management and effective land reforms.

The most convincing factor about the origin of civil and criminal cases may be a reminder for efficient Land Management. Almost 80% civil and criminal cases arise from land litigations. A large number of working people are wasting their valuable time and money on those long hanging cases

---

<sup>1</sup> Khatian- The most important document in determining the ownership of a land parcel (Record of Right, ROR)

<sup>2</sup> Chalan- Money Receipt

<sup>3</sup> PRSP- Poverty Reduction Strategic Plan , A document which guides major Govt. Activities

<sup>4</sup> CLO- Certificate of Land Ownership, A project to introduce plot based ownership document with integrated land management



with almost no result. The nature of litigations is about possession, title, easement etc. Study report of Abul Barakat and Prashanta kumar Roy in 2004 is a genuine ground in support of this statement.

Table 1.1: Distribution and percentage of land litigation under investigation (year 2000)

| Type of Courts       | Pending Litigation | Land litigation |              | Frequency of land litigation |
|----------------------|--------------------|-----------------|--------------|------------------------------|
|                      |                    | Number          | Percentage   |                              |
| High Court Division  | 141,766            | 85,059          | 60           | 6.12                         |
| District Judge Court | 402,488            | 301,866         | 75           | 21.75                        |
| Session Judge Court  | 73,265             | 40,295          | 55           | 2.91                         |
| Magistrate Courts    | 407,036            | 223,869         | 55           | 16.13                        |
| Revenue Courts       | 305,664            | 305,664         | 100          | 22.02                        |
| Certificate Courts   | 414,912            | 394,166         | 95           | 28.41                        |
| Village Courts       | 67,065             | 36,885          | 55           | 2.66                         |
| <b>Total</b>         | <b>18132196</b>    | <b>1387804</b>  | <b>76.58</b> | <b>100</b>                   |

Source: Barakat A and Roy PK, 2004

Another findings of a study title 'Human Development in South Asia 1999' regarding the number of pending cases per Judge/Magistrate and the population per Judge in might have some correlation with the complex situation of land management in Bangladesh

Table 1.2: Distribution and percentage of land litigation under investigation

| Country/Region    | Population/Judge | Pending cases/Judge |
|-------------------|------------------|---------------------|
| <b>Bangladesh</b> | <b>94,937</b>    | <b>5,142</b>        |
| <b>India</b>      | <b>90,909</b>    | <b>2,137</b>        |
| Nepal             | 85,377           | 314                 |
| Pakistan          | 85,038           | 454                 |
| <b>South Asia</b> | <b>90,324</b>    | <b>2,170</b>        |

Source: Human Development in South Asia, 1999



So from various level and corners problem about the disintegrated land management is recognized. Finally we can say that the problem identification is proper and beyond any question.

### **1.3 Background of the Study:**

#### **1.3.1 Brief historical reasons behind disintegrated land management**

Bangladesh is considered to be the most densely populated country in the world excluding a few city and small island states like Singapore and Hong Kong. Current population density of Bangladesh is 1045<sup>5</sup> which is higher than any other country of the world (excluding a few city and small island states like Singapore and Hong Kong) and will be higher than the population density of USA if all people of the world are thrown into USA. (It will be 694<sup>6</sup>)

So there is a lot of competition to have a piece of land both to fulfill basic needs and as a symbol of aristocracy. People who have enough wealth find it prestigious to have more land. Due to scarcity and competition, Bangladesh is often called a land hungry country. From Hindu, Muslim, Mughal, British and Pakistani periods, land management was the prime concern of the ruler/Govt. Land management and land reforms got top priority from the inception of Bangladesh and this trend is continuing till today. But unfortunately, although it is the most talked issue with many reform initiatives, the problems with land management remain almost at initial level. One reason for this situation may be that proper importance was never given to land management and its reform.

Bangladesh has a very complex but dynamic pattern of land ownership. Like some other developing countries, the history of land reform in Bangladesh is a long one; spread over centuries. Feudalism in its worst form took its deepest roots under the British colonial rule. A chain of struggle by peasants spread over a century, gave them their stable rights to tenancy through the Bengal Tenancy Act<sup>7</sup>, 1885. Since then changes came

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<sup>5</sup> Current population of Bangladesh is ----- and its area is----

<sup>6</sup> Current World population is ----- and its total area is----

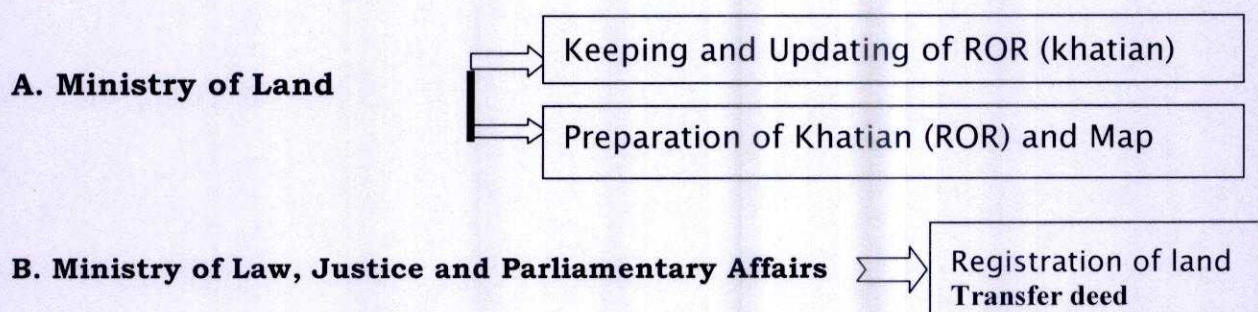
<sup>7</sup> Act passed by British Colonial Govt. in 1885 which gave the tenants some sort of permanent ownership



in bits and pieces. Feudalism was legally abolished through the implementation of the State Acquisition and Tenancy Act<sup>8</sup>.1950. But problems in land management was also rooted more deeply.

In Mughal period land administration had has some comprehensiveness. It was the motive of the British colonial ruler not to integrate land management. Especially registration department was placed out side for more revenue income even at the cost of fictitiousness and complexity in land document.

So we find that for historical reasons Land Management was not integrated. Services are delivered to stake holders at field level and national level from three executive offices of two different Ministries. These are:



### **1.3.2 Record keeping/Updating**

Under State Acquisition of Tenancy Act, khatian is prepared in the names of respective tenants directly under the government and the Act provides for a process of updating khatian in the names of the persons by transfer, inheritance, and settlement from government. Now this keeping and updating of ROR is done at Upzilla land Office by AC(L) under dual supervision of UNO and ADC(R).

### **1.3.3 Preparation of Khatian and Map Record of Rights (ROR)**

Mapping of holdings and preparation of an up to-date record of rights is a pre-condition for efficient land management, ensuring security of tenants and land reforms. It is the responsibility of the Directorate of Land records and Survey under the Ministry of Land to prepare and publish the record of rights. The district officers (Collectors or Deputy Commissioner) maintain and keep them corrected and updated by incorporating changes

<sup>8</sup> Act passed in East Bengal Parliament which abolished feudalism in this region



due to transfer or inheritance through legal process by AC (L) working under them etc. In between the two settlement operations, a permanent settlement set up is to be established for each old district for planning, supervision and guidance of the settlement operations. These are to be actually carried out by technical staff at the upazilla level. The methods of survey and printing of maps and record of rights used by the Directorate of Land Records and surveys is very old and back dated. There are little improvements in technique and use of equipment and appliances since the introduction of survey and settlement in 1888.

It is now evidently clear that due to disintegrated activities and lack of trained manpower and modern and improved printing facilities, the newly prepared ROR can not cater to the needs of the citizens rather they find it a harassment for themselves when a new survey goes for operation.

#### **1.3.4 Registration of Land transfer through sale**

Land Registry in Bangladesh is being done under the control of the Ministry of Law Justice & Parliamentary affairs through the offices of Sub-Registrar in each upazilla. Sub-Registrars usually register the written deed of agreement. The deed containing the agreed price of the land, its schedule description in terms of parcel numbers and other identifiers contained in the record of rights, its boundary and other conditions may form part of the agreement. This registered deed is the primary proof of ownership of a property. The entry is made through the names and addresses of the buyers and sellers. It is difficult and almost impossible to retrieve a systematic list of properties and their owners from this office. No updating is done here. Simply a new document is added when the same property changes hands again. The Sub-Registrar however sends a land transfer notice to the AC (L) who maintains and updates the record of rights after necessary verification. But this notice is sent to the AC(L) offices in a bundle which is almost illegible to read. These notices are not properly filled up. So it is very difficult to correct records on the basis of Land Transfer Notice popularly known as LT notice under section 89 of SA&T act'1950.



### **1.3.5 Necessity of Integrated land management**

Absence of co-ordination and monitoring of reform activities at the national and district level resulted in the isolated and half-hearted actions by the different organizations under the control of the Ministry of Land and Ministry of Law Justice and Parliamentary Affairs. It is now evident that establishment of an integrated Land Management System comprising the preparation and maintenance of record of rights, collection of taxes, registration after transfer, correcting the map through settlement is essential for effective implementation of land reforms as well as establishment of legal rights of all land owning individuals and families. It will be cleared in the following chapters why integration is must for providing speedy service to the citizens.

### **1.3.6 Positive step of Integrated Land Management**

The introduction of an Integrated Land Management System will provide the long term effective structural change that is essential for the speedy implementation of land reforms. The govt. is trying to carry out its policy of modernization of land management to make it rational, effective and efficient, which is also a sine qua non for implementation of land reform measures. As land is the scarcest resource in Bangladesh, due to acute population pressure, the Government is committed to rationalize land management to help increase productivity in agriculture, to ensure optimal utilization of land and to assist mobilization of greater resources from domestic sources for reducing dependence on external assistance.

Improvements of land management system are essential for establishing and preserving the rights of all tenants from the rich to the poor. It is equally important to reduce vexatious litigation. It also helps optimal use of land for higher productivity-where land reforms and agrarian reforms become intertwined.

The need of integrated land management is clearly stated in PRSP. It is also stated in the Land Use Policy of 2001. So the need of integrated land management is stated in two most important policy and strategic Planning document of our country. Besides these, many study works emphasized



about the need of integrated land management. But other than CLO project almost no substantial effort to materialize the long cherished desire. Ultimately it remain unacheived.

#### **1.4 Objective of the study:**

Main objectives of this study are:

- I) To find out an effective and simplest way of delivering speedy service to the citizens from one single point, specially at Upzilla level through simplification & integration of keeping and updating of Record of Rights (Khatian, which is the means of determining the ownership of land in Bangladesh)
- II) To find out an effective integrated land management system for reduction of land litigation through creation of a transparent, reliable, easily understandable and acceptable document regarding ownership of land.
- III) To find out a way to reduce citizen's harassment and time in receiving service from different field level land related offices

Though major objective of this study is to find out a way how to provide speedy service to the citizens or more precisely to the customers as they have to pay some money to have this service, the word stakeholders ii used consciously because this study has another objective to find out a way of speedy reporting or information sharing among different level of government which will ultimately gear up the speedy service to the citizens.

#### **1.5 Research questions**

As seen from the title, the two main focuses of my research would be to examine the concept Integrated land management and Speedy service delivery to the citizens. My research questions are as follows:

1. Why there are so delays and complexity in getting service from field level land offices
2. Can integrated land Management reduce the complexity and delay? and help in providing speedy service to the stake holders ?



### **1.6 Justification/Rationale of the study:**

It is mentioned in the previous section that the necessity of integrated land management is felt long time back. But due to many unavoidable situations besides many reformative steps no substantial achievement came into effect in this regard. Most recent move to make integrated land management is CLO. Here detailed study of land management activities was done under CLO project. Local and foreign specialist came to a consensus about the importance of integrated land management.

The most important rationale behind integrated land management is two clear statements about integrated land management both in PRSP and National Land Use Policy 2001. But till now there is no particular study for providing necessary functional step to materialize these guide lines in action. This study is a little attempt to find out a mechanism by analyzing the existing contents and doing a sample survey to find out different stakeholders view in this regard.

As a partial fulfillment of Masters in Governance & Development this area is chosen because it is very necessary explore the real impact of disintegrated land management in our social & economic life and what could be positive outcome if integration in land management is done at different level of government. Special focus is given at the Upzilla level because most of the services are being provided from this level to different stake holders.

### **1.7 Outline Plan:**

To answer the research questions, I would present my research in eight chapters. Chapter one is introduction which dealt with Research Design and Methodology also; Chapter Two describes the existing literature review. Chapter Three reflects the key aspects from literature review; Chapter Four illustrates a conceptual frame work about the positive out come of integrated land management, Chapter Five is the data analysis part of this Study, Chapter Six evaluates the findings of literature review and opinion survey, Chapter Seven draws specific recommendations of the study with closing remarks.



### **1.8 Research Design:**

There are three major research *methodologies* in social research: the quantitative approach, the qualitative approach and mixed-method (Johnson and Christensen, 2004). Quantitative research is followed to describe trends or to explain relationship among variables of a research problem (Creswell, 2005). On the contrary, qualitative research is followed to explore a problem and to have a detailed understanding of a central phenomenon. (Johnson & Christensen, 2004).

Qualitative research helps authors explore a process that has not been examined before and that is surrounded with many complexity. But suggests that it is important to choose a research approach based on the personal experience, skill and training of the researcher.

As my research problem is concerned with a social issue of Integrated land Management for providing speedy service to citizens, it requires exploration of the problem and understanding of the phenomenon through collection of qualitative data as well as quantitative data for having a clear idea about the stake holders response and thinking .

### **1.9 Methodology**

The methodological approach focused on the content analysis, collection of data from primary and secondary sources, together with survey of different stake holders, interviews with experts and academics and informal focus group sessions. The collection of data has been focused in the following ways:

- Content Analysis
- Surveys to find the stake holders' perspective
- Analysis of the past and ongoing projects
- Focus Group Discussions (FGDs)



The study overall covered 04 Upzillas of 04 Districts, namely Noakhali, Manikganj, Comilla and Brahmanbaria. The 04 Upzillas included around 25 citizens representing almost all levels of the society, 25 related government officials at different levels, 05 Experts and Academics, 25 Local level people representatives who usually adjudicate in local land related disputes. Among the government officials there were 05 Upazilla Nirbahi Officers, 05 AC(L) 05 Sub Registers, 05 Assistant Settlement Officers, 05 Tahshildars 05 Collectors, 05 ADC(Revenue)

### **1.10 Limitations**

It is not easy to address the problem of land management without taking a holistic approach. But in a dissertation at Masters Degree level it is not possible to allocate adequate time and other supporting materials to get into the matter properly. The principal limitations of the study are listed below:

- i) Time constraints
- ii) Insufficient access to information.
- iii) Lack of sufficient logistic support.
- iv) Unavailability of such kind of previous research findings
- v) Little financial support
- vi) Authenticity of information



# Literature Review

## **2.1 Introduction**

The field is not new. For a long time Land Management and need of its integration was the prime concern of every government. It is also equally important for the present time also. The present food crisis has added some further momentum to rethink about the need of integrated and proper land management.

But there is no direct study work in this field though its necessity is felt every time. So the existing legal-administrative structures of land management, their effectiveness and drawbacks analysis might be useful in literature review. There is an effort to establish integrated land management through providing Certificate of Land Ownership (CLO). This is the major content to analyze with the historical background and existing land related rules and regulations. There are few renowned books and research materials on Land Reform also be used as content for this study.

## **2.2 Brief History of Land Administration & Land reform up to Independence**

Land administration in Bangladesh has a long history dating back to the land revenue systems of the Hindu rulers of India and subsequently influenced by Muslim, Mughal and British practice.

### **2.2.1 Pre-Muslim period:**

The ownership of land belonged to the person who cleared jungles on it and prepared it for cultivation. The king/Raja/Maharaja/ claimed a share



of the production not as an owner of the land but as a sovereign protector who met the cost of the security provided to the peasant-owner. Some time later in Bangladesh like other parts of Indian sub continent it has been recognized that all lands belongs to the state and possessors or cultivators of lands have to pay a share of the produce to the state. Both of these two arrangements provided the basis for establishing some kind of direct relationship of peasants with the king or sovereign in respect of land ownership, which came to be known as the Raiyat based system. This system prevailed almost everywhere in the subcontinent particularly in Bengal before British advent.

### **2.2.2 Other Muslim and Moghul period :**

The system stated above continued in the early Muslim ruling in Indian sub continent. From the 16<sup>th</sup> century Sheer Shah reforms, which introduced a regular system of land measurement together with assessment and collection of revenue. With in Bengal the deltaic region formed largely by the alluvial actions of three mighty rivers – the Ganges, the Brahmaputra and the Jamuna is crisscrossed by a network of rivers, tributaries and canals. Diluvion of land by the rivers and formation of new lands are annual features. The peculiar geographical conditions prevented Mughals from introducing a *raiya*t based system of land tenure in Bengal. Instead, they found it more convenient to adopt a policy of farming out the collection of land revenue to Zaminders, who were not owners of land, but were imperial agents for collection of rents from the individual tenants in their respective areas.

### **2.2.3 British period :**

#### **2.2.3.1 Grant of Dewani**

The decline of the Mughal Empire began to change Bengal's history major focused on land management and revenue collection. In 1765, the East India Company obtained Diwani or the right to collect the land revenue of Bengal, Bihar and Orissa from the Mughal Emperor Shah Alam on



payment of annual revenue of 2.6 million rupees to the Emperor. The Company appointed collectors in different areas in Bengal, which were later constituted into districts.

#### **2.2.3.2 Quinquennial Settlement**

During Warren Hastings a committee of circuits was appointed to make settlement of estate with farmers offering the highest bid for five years. Later this system paved on absolute failure. This system was known as quinquennial settlement. This system stars in 1772 and continued till 1777.

#### **2.2.3.3 Decennial Settlement**

In 1790, settlement was made for 10 years. This system continued only for three years up to 1790. This system was known as decennial settlement system. Actually this was a rehearsal before the introduction of permanent settlement.

#### **2.2.3.4 Permanent Settlement**

In 1793, Lord Cornwallis introduced Permanent Settlement Regulation, wherein Zaminders were given the ownership of land on payment of certain money for one year. There was a peculiar provision of giving the money fixed for one year with in the time limit of setting the sun on the 30<sup>th</sup> Chaytray of Bangla Year. For this Permanent settlement is termed as 'Sun set law'. It caused peasants to lose their ownership rights on land reducing them as tenants at will. The deteriorating relationship between Zaminders and peasants resulted in a number of peasant revolts. At this British rulers framed laws to specify titles of tenants through surveying.

#### **2.2.3.5 Direct control of British Government**

During the British rule, a Board of Revenue was set up in 1772 to control and supervise the work of the collectors in matters relating to land administration and collection of land revenue. The board was later reconstituted, first under the Bengal Board of Revenue Act 1850, and then under the Bengal Board of Revenue Act 1913.



## **2.2.4 Pakistan period :**

### **2.2.4.1 Abolishment of Zamindari**

The East Bengal State Acquisition and Tenancy Act 1950, passed by the provincial legislative assembly on the basis of the recommendations of the Floud Commission, was a landmark in the history of Land Management of this region. It abolished the Zamindari system by acquisition of all types of intermediary rent receiving interests that existed between the government at the top and the tenants cultivating the land at the bottom. The act brought the tenants directly under the government. The abolition of zamindari made the way for introduction of 'raiyyatwari' system in this region. The government remained the lord superior and tenants or raiyats became holders of land under the government. They pay rents to the government direct and all lands available for settlement would henceforth be settled by the government through its agency, the district collector, with the tenants directly. The rights and obligations of the tenants would be regulated by the terms of the deed of settlement called kabuliyat enforceable through courts of law.

The most striking change in the land tenure system was the imposition of a ceiling on the quantum of land to be owned or held by a family or body. No family or body can acquire or retain more than 100 *bighas* (33 acres) of land and the excess land would vest in the government on payment of compensation. This ceiling was raised to 375 bighas in 1961 and was again brought down to 100 bighas in 1972. The 'surplus' land would now be available for settlement with the landless or marginal farmers 'in accordance with the rules or the policy of the government'.

### **2.2.4.2 Institutional Reform**

During the Pakistan period, a Revenue Department was created under the provincial government of East Pakistan. The Board of Revenue and the offices under it were put under the administrative control of this department. The board had 3 or 4 members, each having the rank of a



secretary of the central government and one of them was appointed as the senior member. An additional or joint collector of revenue and a revenue deputy collector were appointed in each district to assist the collector. A sub-divisional manager for each sub-division and a circle officer for each thana were also appointed. A *tahsildar* was appointed for a *tahsil*, consisting usually of two unions, and he had one or two assistant tahsildars.

The Board of Revenue supervised settlement operations under the director of Land Records and Surveys, and oversaw the inter-state boundary demarcation work in the border districts of East Pakistan and India. It was responsible for the supervision of land administration and Land Management through divisional commissioners, deputy commissioners and additional deputy commissioners (revenue), supervision of implementation of Land Reform measures, and hearing of all final appeals against the orders of the commissioners, collectors, and other revenue authorities. In addition, the board was also the 'Court of Wards' under the Court of Wards Act 1879. Court of Wards usually works after the management of nawab estate related property. In fact, the Board of Revenue was the chief revenue authority.

## **2.3. Brief History of Land Administration and its reform in Bangladesh after independence**

### **2.3.1 Initial efforts immediate after the independence**

After the emergence of Bangladesh as a sovereign state in 1971, the Revenue Department of the provincial government of East Pakistan was reconstituted into Land Administration and Land Reforms Division under the Ministry of Law and Land Reforms. Subsequently, this division was given the status of a full-fledged ministry. The office of the Board of Revenue, with its entire establishment, was abolished by an order of the government, issued under No. IM-10/72/115(5) RI dated 3 March 1973. The functions of the Board of Revenue were taken over by the ministry itself. The functions of the board for supervision and inspection of revenue offices were given to the land reforms commissioner and four deputy land reforms commissioners of the four administrative divisions.



### **2.3.2 Institutional reform and change in the administrative setup**

The Ministry of Land Administration and Land Reforms was concerned mainly with policy decisions. It was also given the responsibility of administration of Land Acquisition proceedings, management of 'vested property', and looking into multifarious revenue matters. As a result, revisional settlements, *diara* operations, and land revenue work of various types, including settlement of *khas* land, could not be intensively supervised. Supervision of the work of land reforms and inter-state boundary demarcation work also suffered a serious setback. The Ministry found itself unable to cope with an ever-increasing volume of tasks, including settlement of quasi-judicial cases. There was no chief revenue authority in the country with adequate revenue background and powers to whom divisional commissioners, land reforms commissioners, director general (land records and surveys) and deputy commissioners could look forward for necessary guidance, instruction, and advice.

A new body, the Board of Land Administration, was established under the Board of Land Administration Act 1980 (Act XIII of 1981). The board consists of a chairman and two other members to be appointed by the government. The board was entrusted with the functions of deciding all statutory appeals, supervising land administration offices in the field, and advising the government on policy matters. It was also empowered to deal with collection of land development tax, creation of new tahsil offices, settlement of *khas* land, control of the internal audit organisation, Court of Wards, management and supervision of vested properties (lands and buildings), management and disposal of abandoned properties, and management and disposal of properties involved in exchange cases by migrants.

The Ministry of Land Administration and Land Reforms was renamed as the Ministry of Land in early 1987. The newly designated ministry concentrated on policymaking, supervision, and monitoring of land reforms. The ministry came to realize that the Board of Land Administration could not do justice to its assigned jobs, the effective



supervision of field offices, and quick disposal of quasi-judicial cases. The issue was considered in a meeting of the National Land Reforms Council headed by the President where it was decided that the Board of Land Administration should be abolished and that instead, two new bodies, the Land Appeal Board and the Land Reforms Board should be established. Accordingly, the Land Reforms Board Ordinance (Ordinance I of 1989) and the Land Appeal Board Ordinance (Ordinance II of 1989) were promulgated. Later, the Land Reforms Board Act 1989 (Act XXIII of 1989) and the Land Appeal Board Act 1989 (Act XXIV) were passed and the ordinances were repealed. Under section 4 of the Land Appeal Board Act 1989 (Act XXIV of 1989), the government constituted a board, namely, the Land Appeal Board. It consists of a chairman and two other members. Under section 8 of this act, the Board of Land Administration Act 1980 was repealed. Consequently, the Board of Land Administration stood abolished. The Land Appeal Board has been entrusted with the powers of disposal of appeals preferred against the orders of the divisional commissioners under different laws relating to land administration and land management. It is empowered to advise the government on any issue relating to land management and land administration referred to it by the government. The board is also empowered to inspect and evaluate the work of subordinate land courts. Any order passed by the chairman or any member, separately or individually, is deemed to have been passed by the board. The board is authorized to admit petitions for review of its order, in cases where legal and material facts appear not to have been considered. The board has to refer cases not covered by the prevailing laws, rules and government orders to the government for necessary instructions. The orders of the board in the cases brought against the orders of the divisional commissioners and in the cases reviewed by it are final. No appeal can be made against the orders of the board. The 'Full Board', consisting of the chairman and the members may dispose off the review cases referred to it by the chairman. Usually cases involving interpretation and application of laws are placed in the meeting of the 'Full Board' and are disposed off after it has heard the parties concerned.



Based on the decision of the National Land Reforms Council, a separate body, namely, the Land Reforms Board, was set up at the national level under the Land Reforms Board Act 1989 (Act XXIII of 1989). The board consists of a chairman and two other members. The posts of the land reforms commissioner and the deputy land reforms commissioners in the Ministry of Land were abolished and the post of a deputy land reforms commissioner was created for each division for supervision of the land reform measures under the Land Reforms Board. Under Section 5 of the Land Reforms Board Act 1989, the board may perform such functions and discharge such duties in respect of land reforms and land management as the government may entrust to it. The board may also exercise such power and perform such duties as may be entrusted to it by or under any law. The primary function of the board is to supervise the functioning of the field offices and the implementation of land reforms measures. This involves supervision of land administration offices down to the union land office (tahsil office), settlement of agricultural khas land to the landless peasants, assessment of land development tax, management of Court of Wards, creation of new union land offices, establishment of record rooms at the district and upazila levels, their supervision and inspection, preparation of development. Plans for matters relating to land management, their implementation and supervision, and matters relating to board's establishment, record room and library are some of the functions, entrusted by the Ministry of Land to the Land Reforms Board.

#### **2.4 Preconditions for efficient integrated land management**

The existing literature of land management is largely concerned with the historical background and complexity of land tenure in Bangladesh. The importance of integration among the different government agencies is strongly felt. But effective and comprehensive effort is not yet taken. Here, consulting the existing literature the important preconditions for efficient integrated land management is listed. Important pre conditions for efficient integrated land management are furnished below:



- (1) Mapping of every parcel of land indicating geographical location and identification number;
- (2) Land information regarding ownership or shares of ownership, quantum of land and tax Payable;
- (3) Preparation and publication of record of rights (Khatian) as a proof of occupancy rights of the owners; and
- (4) Maintenance of the records of right and incorporation of changes in single point.
- 5) Registration of Deed of transfer through authentication of the ownership of the transferor.

## **2.5 Present situation: How far it is matched match with the above preconditions**

It is the responsibility of the Directorate of Land Records and Surveys under the Ministry of Land to prepare and publish maps and update record of rights. The director general, Land Records and Surveys, with the assistance of a number of directors, deputy directors, assistant directors, settlement officers, assistant settlement officers and a large number of trained and technical staff, gets the maps and records prepared and revised under the provisions of the East Bengal State Acquisition and Tenancy Act 1950, and hands them over to the collectors (deputy commissioners). The collectors maintain them and keep them corrected by incorporating the changes due to transfer, inheritance or otherwise.

## **2.6 Brief List of reform effort after independence: Idea of integration was absent or not felt before CLO**

The government of Bangladesh from 1972 onwards introduced a number of significant changes in the tenorial system. The immediate change was lowering of the ceiling on ownership of total land – both agricultural and non-agricultural – by a single family or body. The upper limit of 375 bighas was brought down to 100 bighas only on agricultural land. The lowering of the ceiling on agricultural land was intended to broaden the base of holders of subsisting and economic holdings through redistribution of ceiling surplus land. But the principle of equity and social justice was



given a goodbye since there was no ceiling on non agricultural land holding, particularly in rapidly growing urban areas where price and income from land were ever soaring. Another significant measure was the exemption of rent in respect of agricultural lands up to 25 bighas held by a single family. Although this provision introduced in 1972 was abolished with the commencement of the Land Development Tax Ordinance 1976, it was reintroduced later.

The Land Development Tax Ordinance 1976 was enacted to rearrange the revenue structure and to realize more domestic resources for development. All rents and cesses leviable upon lands were abolished and instead, a graduated scale of tax was imposed upon all classes of lands according to their use, location and total quantity held by a family. In the absence of a mechanism to determine the total quantity of land held by a family throughout the country or in a thana, the assessment and collection of land development tax seem to have suffered a setback and revenue earnings fell short of what could be expected. Possibility of tax evasion was not ruled out. Changes were also made in the age-old rights of the tenants to their lands lost by diluvion and subsequently reformed in situ.

Far-reaching changes were also made in the rights of tenants by promulgation of Land Reforms Ordinance 1984. In addition, a 60 bigha ceiling on acquisition or holding of agricultural land, this law declared *benami* transaction void. Under *benami* transaction, a person purchased land not in his own name but in the name of some other person, but herself/himself remained the real beneficiary. The ostensible owner or the person in whose name the purchase is made will be deemed to be the real purchaser and no evidence to disprove this presumption will be allowed by the courts.

The most noticeable provision in respect of security of tenure is the prohibition of eviction of agricultural tenants from his homestead land. Previously, a person purchasing the homestead land of a tenant in a court auction could get possession of the same through eviction. The law now



declares the homestead land of a tenant in the rural areas immune from the processes of the court and the tenant is made secure in his habitation against any kind of eviction proceedings. The most important provision of the Land Reforms Ordinance, however, relates to the rights of *bargadars* or sharecroppers. The sharecroppers who cultivate the land of another person used to get only the half of the produce and another half was to go to the landowner, although he did not share the cost of irrigation and others.

The new law provides that a barga contract shall be executed between the landowner and the bargadar and the contract would be valid for 5 years with the right of inheritance to the able heir. The bargadar will also have a prior right to purchase the land at the market price. The produce will be divided into 3 shares. One-third will go to landowner, one-third to the bargadar and the remaining one-third to the party, which provides seeds, cost of labour and irrigation. Thus half a century old demand for Tebhaga was conceded. But in reality there is no real impact of these reform still now.

A *Rin Salishi Ain* was passed in 1989 to give relief to the poor tenants who were compelled to sell their small holdings under distressing circumstances such as flood, drought or cyclone. The law provides for establishment of debt settlement boards in each thana composed of officials and representatives of both the seller and buyer, with authority to declare certain types of sale void and certain other types as mortgages redeemable on expiry of 7 years. Advance purchase of crops and deposit of blank stamp paper with signature or thumb impression thereon were declared void. But again these things are totally absent in practice.

Others important reform initiative includes the non-agricultural khas land settlement policy 1995 and agricultural khas land settlement policy 1997. these two policies are providing sufficient guide lines for the settlement and management of agricultural and non agricultural khas land.



There are many other reform initiatives and study reports regarding land management and its modernization. But though it was one of the most important necessity felt all the time, before the attempt of CLO no formal step was taken regarding integrated land management.

Few study recommendations includes some notion:

“To avoid the substantive basis for fictitious recording, dual ownership and multiplicity of record of rights by different offices under two un-coordinated ministries (of land and law) an unitary system of Certificate of Land Ownership (CLO) shall be instituted. Under this reform the three land related offices, namely the Tahshil office, Sub-register’s office, and Settlement office shall be merged under one ministry” Barakat A & Roy PK 2004.

## **2.7 CLO: A comprehensive attempt but struggling for various reasons**

A realistic agenda on land administration has to focus on both ‘big solutions and ‘small solutions’. The CLO is an example of the ‘big solution’. However, there is also a critical need to address ‘small solutions’, solutions which can get started right away with much less of a challenge in policy innovation. An effective example of the latter has been the recent change in the Stamp Act, a small administrative innovation which has proved to have brought about multiple areas of benefit. By one stroke, the amendment has led to cost-savings for the government, removed some of the institutional sources of corruption around the printing, distribution and forgery of stamp papers and on corruption on submission of chalans, saved on storage space by decreeing a maximum of Taka 1200 worth of stamp papers, reduced the bureaucratic load on the sub-registry offices, and reduced the hassle for the buyers and sellers of land. It can be concluded in way that to ensure food for all citizens of Bangladesh and to eradicate poverty from the society land reform is the pre-condition. The idea of introducing CLO is based upon the fact that a plot based ROR must be used instead of present family based system.



## **2.8 Where can integrated land management yield greatest dividends? From the literature review**

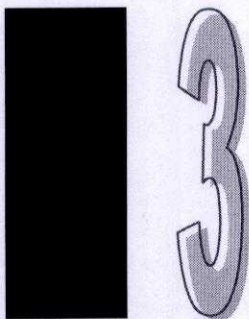
Land reform is the much talked issue with little operational grounding as a result almost no effective and meaningful outcome in this area. But one of the key insights gained over the last decade has been the realization that the absence of an up-to-date, systematic, integrated and universally accepted source of information on land resource availability and land rights lie at the root of much of the problems associated with land as well as with the inability to implement reform programmes. The key area to focus reform energy today is thus on reform of land administration. The specific and important dividends expected from a reform programme on land administration are:

- By streamlining and strengthening the information basis of land transactions, help to develop a dependable land market
- Reduce corruption associated with the process land management and transfer
- Reduce public suffering which arise from the archaic, disintegrated and dysfunctional land administration process
- Cut out much of criminal and civil cases in the courts most of which originate in land disputes fostered by tempered or outdated land records
- Improve the efficiency of reform programmes in khas land distribution, water rights, forest rights and land-use policy.

## **2.9 The state of Land Administration in Bangladesh: Outlined from the Literature review**

The present situation outlined from the literature review does not match with the long listed half heartened reformative measures. This condition is stated in the different chapters. So detailed description of scenario is not needed at all. As a conclusion of this chapter it can be summarized that we are still looking for the starting point of reorganize the land administration.





## Impact of Disintegrated Land Management

### **3.1 Introduction**

Land is a vast issue. The history of land management is age old. So vast is its legal and other policy and implementing documents. In order to focus on the particular area of the study this chapter is included in the paper. This chapter is an extract of literature review and content analysis in connection with impact regarding delay in getting services from field level land offices. Here the impact of disintegrated land management on national growth and development, poverty reduction and food production is identified to realize the severity of the problem and the necessity of addressing this problem particularly at Upzilla level. Here activities of the three service providing offices (Land, Sub-Registry & Survey) are closely analysed both schematically and descriptively to have some comprehensive ideas why so many complexities and long delays are there in getting speedy service from these offices.

### **3.2 Land Administration set up.**

Before going to the discussion of impact of disintegrated land management a close look at the present land administration set up is necessary. Land and revenue administration is the responsibility of the central government. The administration runs under the leadership by a senior Minister of the Cabinet with the assistance of a State Minister and Other civil bureaucrats headed by the Secretary, who are primarily responsible to the Ministry of Land. There is a Directorate of Land Record and Surveys directly under the Ministry which is responsible for surveying, mapping and preparation of record-of-rights and there maintenance. There is one Board of Land



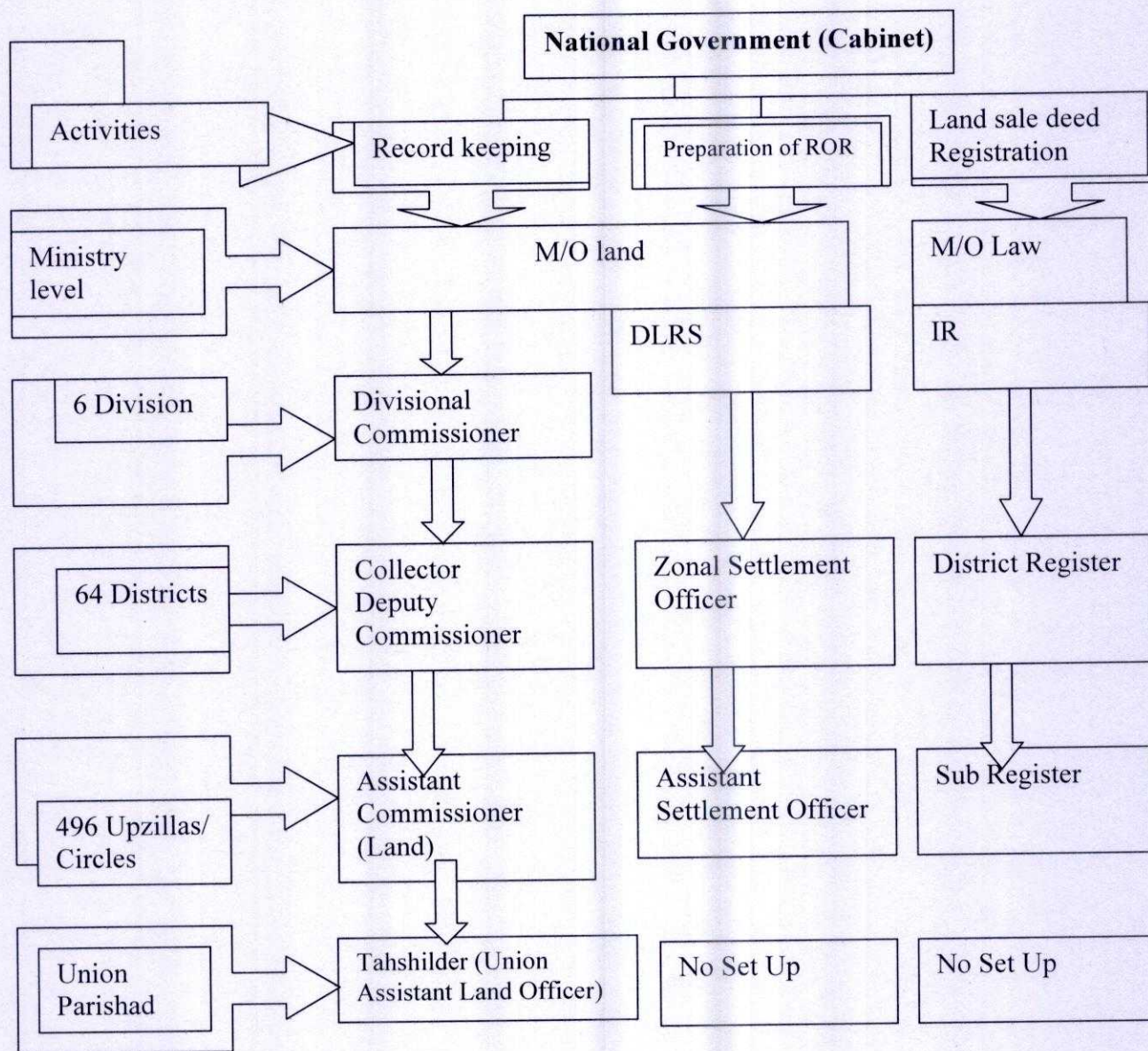
Administration and office of the Land Reforms Commissioners to deal with formulation and implementation of land reform measures.. The country is divided into six divisions headed by Divisional Commissioners who act as appellate authority against decisions taken at the District level on matters of land administration. He is also the appointing authority for lower ladder staff engaged in land revenue administration.

The six Divisions are divided into several districts, totaling 64, all headed by a Collector who is also the District Magistrate and Deputy Commissioner. In fact the Collector is responsible for entire land revenue administration in his district. Apart from the responsibility of collection of land revenue, the collector accords approval for settlement of government land, changes in classification of land according to their usage, acquisition of land for development or other requirements and performs many other supervisory functions over the revenue set-up. He is assisted by an Additional Deputy Commissioner in charge of revenue. The districts are further divided into several (481) Sub-Districts called as upazilla which is the basic administrative unit. The central government at this level is represented by an Upazilla Nirbahi Officer (UNO) He among other tasks supervises the revenue administration in his area. There is a full time Assistant commissioner (Land) in charge of Land who is the key officer legally empowered to perform various important land related functions under the dual supervision of UNO at Upzilla level and ADC (R) at district level .There are several "Tahsil" offices in each upazilla, which are local field units for doing land related functions and collecting land revenue. Land transfer deed Registration is being performed under Ministry of Law & Justice through offices of Sub-Registrar in each upazilla where Sub-Registrars will register the written deed of agreement and the terms and condition of sale and purchase between the vendor and the purchaser of the land.



### 3.3 Disintegrated Management Structure at Different level (National & Field level):

Briefly, the present management set up is described in the previous section. The absence of disintegration in the whole land management system (shown if fig 1.1) is again shown in the following diagram



**Figure : Land Management at different level:-**

Absence of Integration at different level Makes delay in the Process and creates Fictitiousness in new land Document



### **3.4 Land use statistics: reflects the outcome mismanagement**

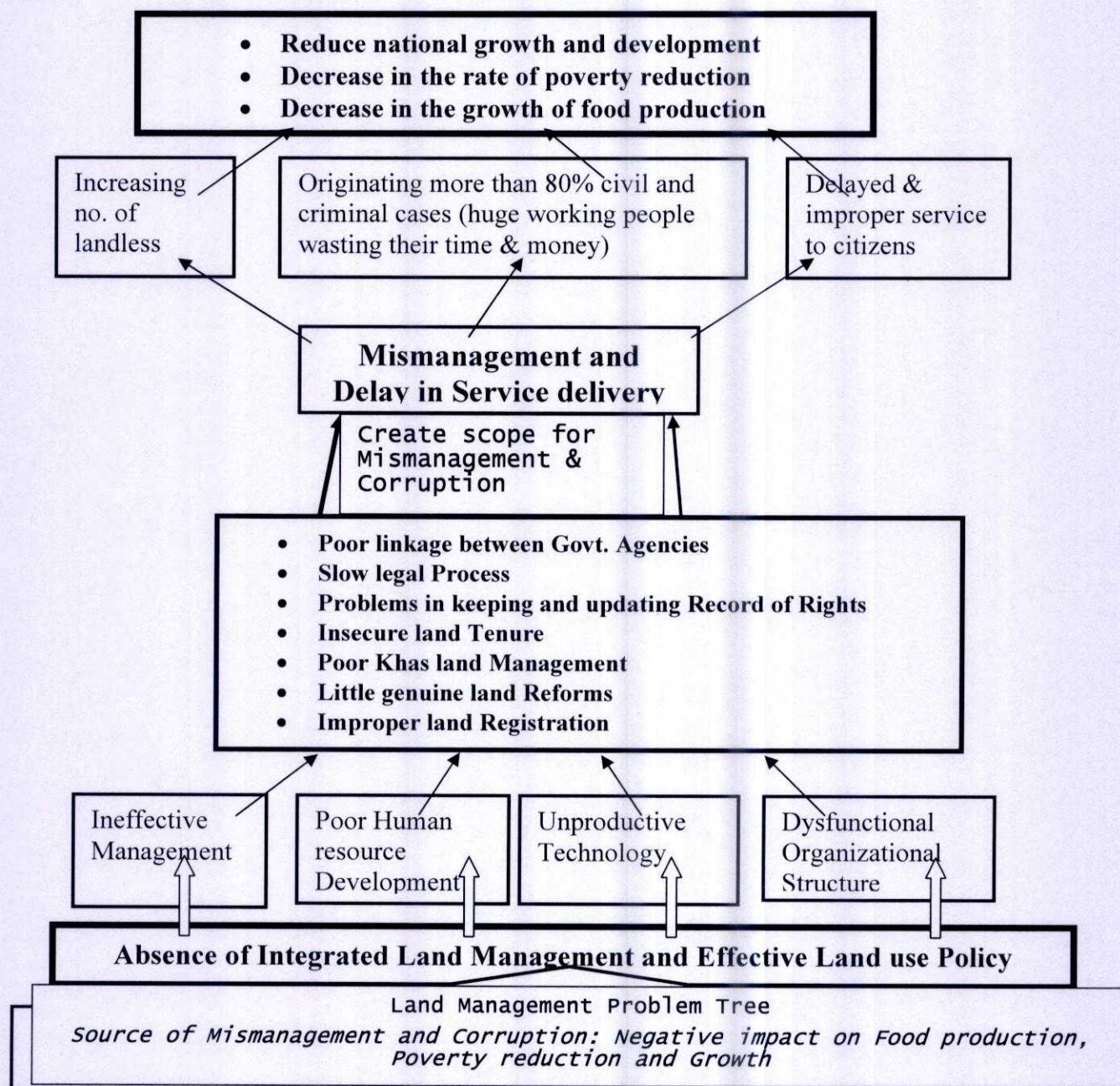
Bangladesh has a population of 150 million in an area of 144000 sq. km. giving a population density of at average 1045 persons per sq.km. rural population consists of 80% of the total population. Again 80% of the people depend on agriculture which accounts for 52% of the GDP. The total farm area comprises about 62% of the total geographical area, forest area accounts for 15%, Perennial water 11% and urban area only 01%. The physical landscape is characterized by small arable fields. There are over 11 million farm holdings with more than 65 million fragments. The pattern of land ownership is highly skewed. 5% for the families having land above 7.2 acres own 26% of the land and 70% of the families having land below 2.5 acres own only 29% of the land. The per capita availability of crop land is at present only 0.24 acre. Land utilization statistics indicate that 54% of the net cropped area is single cropped and area under double and triple cropping account for 72% of the gross cropped area. 20% of the total cropped area has irrigation facilities. Yield is low i.e. rice -0.703 metric ton per acre. Annual food deficit ranges between 1.5 2.0 million metric tons. Frequent natural calamities like cyclone, flood, drought, tidal bore etc. add to the shortfall of crops and livestock.

So an effective land use plan and administrative procedure is needed to overcome the situation.



### 3.5 Impact on national growth, poverty reduction & food production

First of all briefly the problem of disintegrated is seen as a great national problem because in a broader sense it has a significant negative impact on national growth and development, rate of poverty reduction rate and growth of food production.

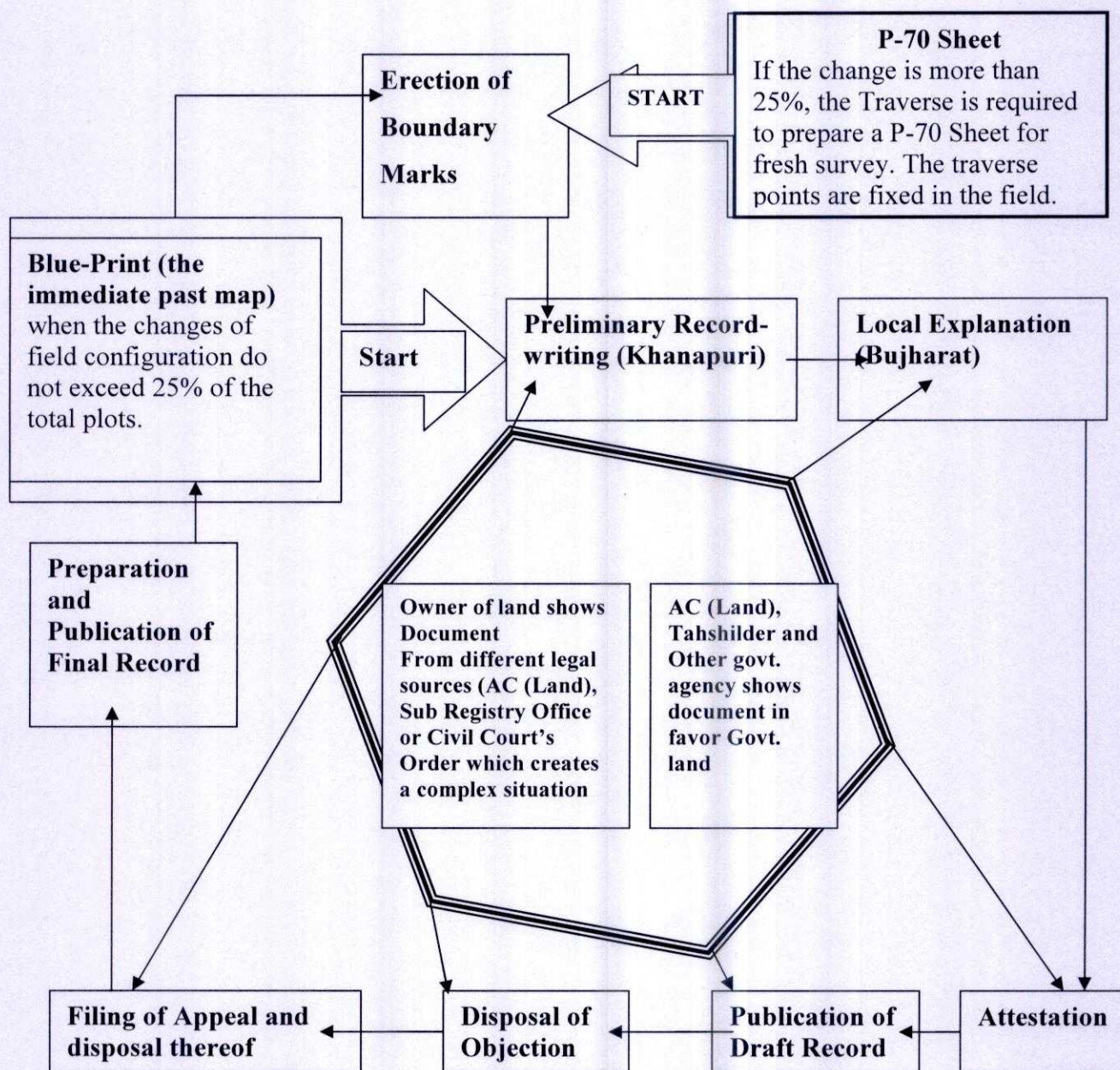


**Fig -3.2: Impact of disintegrated land management on national growth, poverty reduction & food production**



### 3.6 Preparation of ROR : Impact of disintegration

Now let us analyze the impact of disintegrated land management at Upzilla level. First what is going in the process of preparation of ROR which is the mandates of DLRS. Nature and reason of complexity is shown in the following diagram.



**Figure 3.3: Preparation of ROR and Mouza map Under DLRS :-**

Absence of Integration with Upzilla land Office Makes delay in the Record

Preparation Process and creates Fictitiousness in new land Document



### **3.6.1 Legal Basis for ROR**

The regulating process of survey and settlement started, though in fragmented manner, with Regulation VII of 1822. The system of land record got a regular shape with introduction of Survey Act, 1875 and Bengal Tenancy Act, 1885. The Cadastral Survey (CS) that followed the introduction of Tenancy Act provided the basis for producing mauza maps and records of landholdings. The Survey and Settlement Manual, 1935 and Technical Rules and Instructions of the Settlement Department, 1957 provided rules and guidelines. The promulgation of East Bengal State Acquisition and Tenancy Act, 1950 that abolished permanent settlement with Zaminders required accommodation of ownership changes in land records. Accordingly, in 1956 State Acquisition (SA) survey and later in 1965 Revisional Settlement (RS) were undertaken. But they failed to bring about desired accuracy.

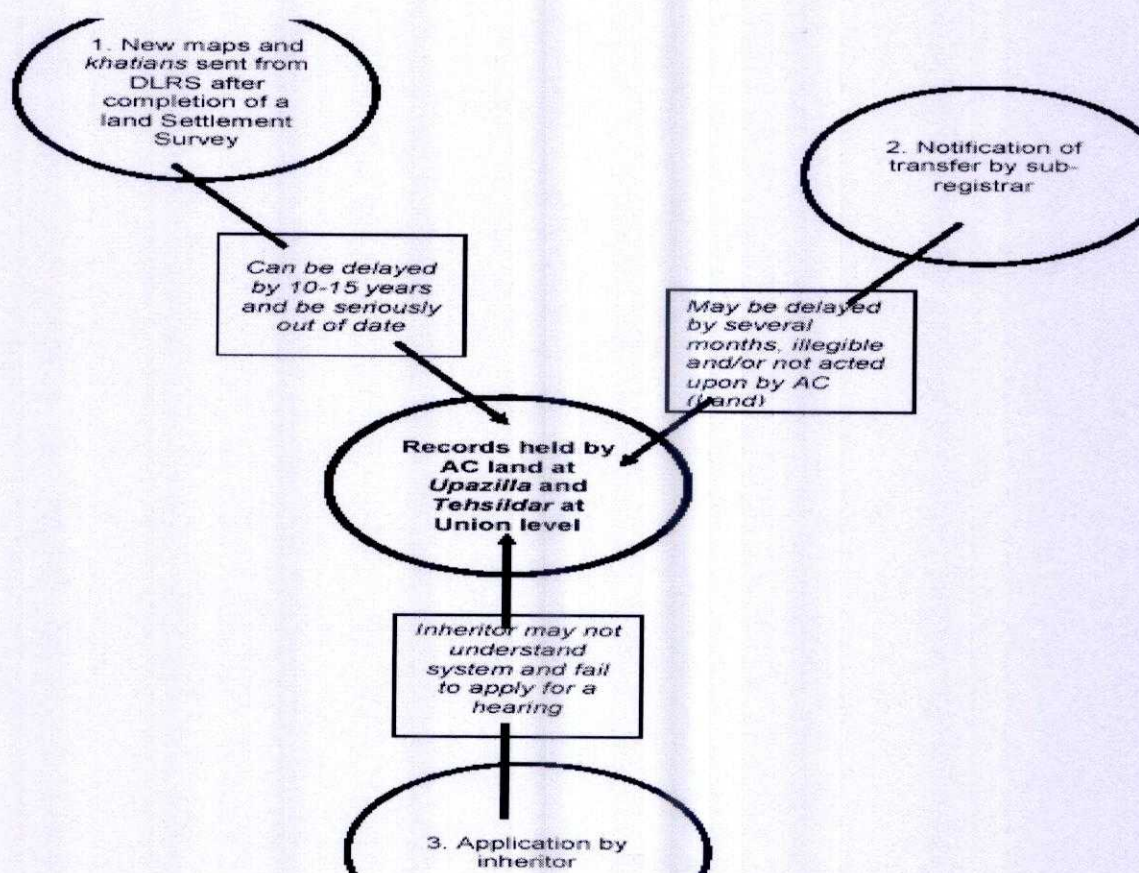
### **3.6.2 operational framework of Survey operation**

Survey operation is initiated by a survey team consisting of two Surveyors and one Chainman. Hearing objections and appeal steps involve Sub-Assistant Settlement Officer (SASO) and Assistant Settlement Officer (ASO) respectively. Theoretically, time specificity is to be followed throughout the process. In practice, it is observed leniently. Settlement Officer (SO) holding charge of the operation is authorised (under rule 42 of Tenancy Rule, 1955) to exercise special power at any time before the final publication of the record directing fresh proceeding if he is convinced of operational or procedural faults. Its frequent use often causes lingering of the whole process.



### 3.7 Maintenance and updating (Mutation) of ROR: Impact of disintegration

The impact of disintegrated land management in keeping and updating of ROR in Upzilla land office is the most vital part. Because this document is the first priority in determining the ownership of land. The updating process depends on the activities of other two departments initiatives. In what way it hampers providing speedy service to citizens is shown in the following diagram.



**Figure 3.4: Keeping and updating of ROR at Upzilla land Office :-**

Absence of Integration with Sub Registry and Settlement Offices makes delay in the Record Maintenance and Updating Process and creates scope of fictitiousness in new land Document

**Source: Care Report**



### **3.7.1 Meaning of Mutation<sup>9</sup>**

Mutation is the process of revising and updating ROR on changing of land ownership through sale, inheritance and also on subdivision and amalgamation of landholdings. Ownership changes of land that take place during this intervening period of consecutive regular survey operations are needed to be reflected in the ROR. This revision is done by an AC (Land) working under dual supervision of UNO and ADC(R) and also under control of DC. Mutation forms the most important part of overall maintenance system of ROR.

**3.7.2 Legal Framework.** Section 143 of East Bengal State Acquisition and Tenancy Act, 1950 (EBSA&TA) provides the legal basis of doing mutation by AC(L) keeping in view relevant provisions of Transfer of Property Act, 1882, Tenancy Rules, 1955, Manual on Land Management, 1990 and Land Reforms Ordinance, 1984.

**3.7.3 Process Followed.** Different aspects of ROR updating and getting fresh ROR are shown in the diagram. The process starts in the case of transfer on receipt of LT notice and in all other cases with applications from the tenants or proposals from Tahsildars. Another source is getting the new ROR prepared by DLRS. AC (Land) initiates a mutation proceeding and sends the proposal to the concerned Tahsildar for inquiry who after verifying the genuineness of ownership and possession of the applicant sends a report. On consideration of the report and if the land on verification is found not to be under the category of khas, abandoned and vested property, AC (Land) passes order for mutation. Accordingly ROR and relevant registers are updated.

### **3.7.4 Maintenance of Land Records.**

DLRS prepare new ROR periodically. After finalization of land records in survey operations DLRS sends 4 copies of khatians and 28 copies of mauza maps on each set to the Office of DC who preserves them in the District Record Room. At present a Record Room is also maintained in the AC (Land) Office. District Record Room is also used for selling copies of khatians and mauza maps and giving copies thereof on demand. The

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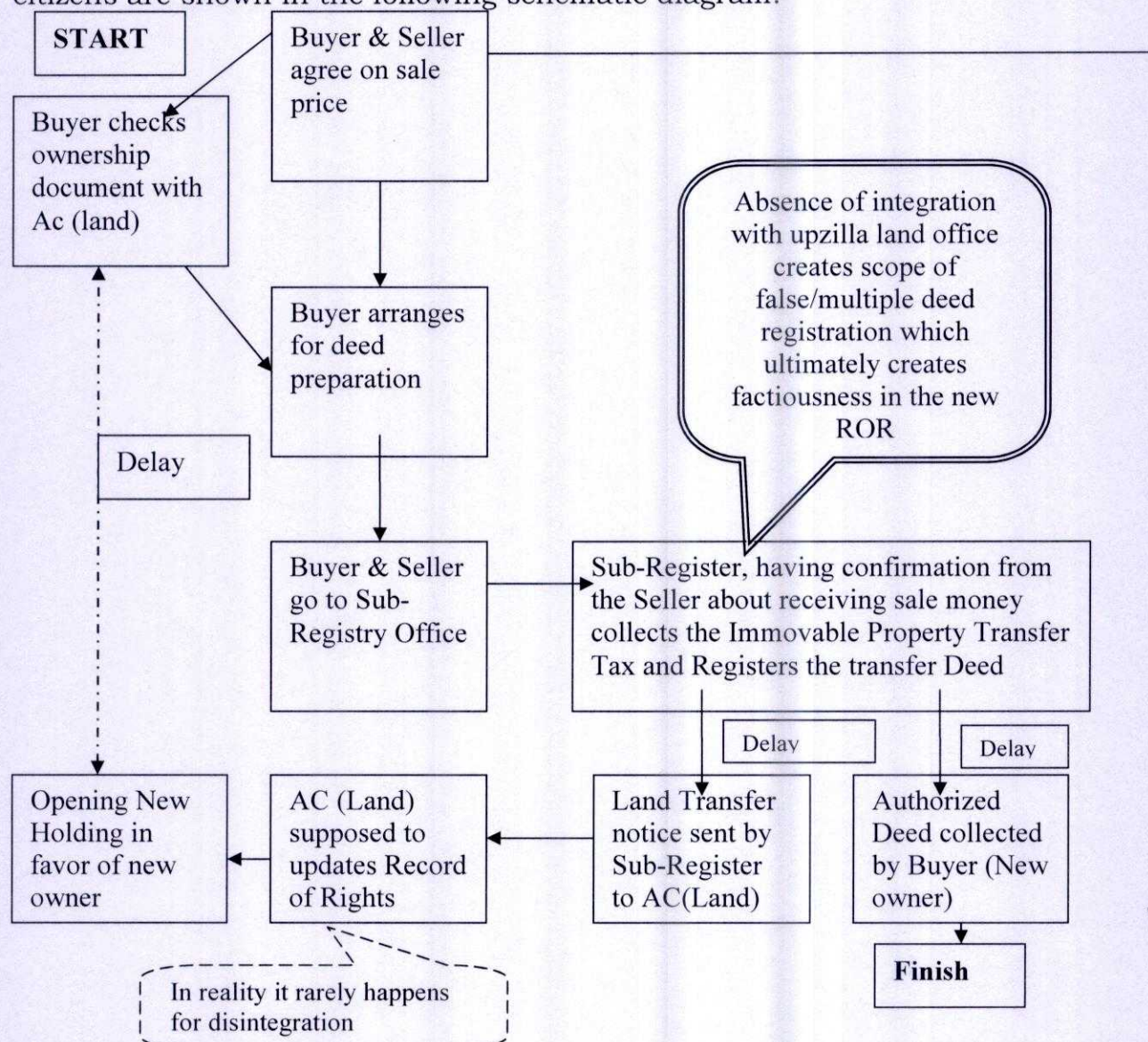
<sup>9</sup> Legal process of updating ROR, which is the most important document of determining ownership of land



Upazila Record Room attached to AC (Land) Office is only meant for preserving records for future official reference. The Officer-in-Charge of the District Record Room is an AC who is assisted by a Record Keeper and a number of copyists.

### 3.8 Land transfer deed registration : Impact of disintegration

The third activities at upzilla level are registration of land transfer deed. Absence of integration makes delay in the service delivery not only the registration process but also in the updating of ROR in Upzilla land Office. The present system and its impact on the speedy service delivery to the citizens are shown in the following schematic diagram.



**Figure 3.5: Land Transfer Deed Registration in the Sub Registry**

**Office:-** Absence of Integration with Upzilla land Office Makes delay in the Process and creates Fictitiousness in new land Document



### **3.8.1 Rationale for Deed Registration.**

Registration of transfer deed on land in Bangladesh is basically meant for recording a transfer. It shows that a particular transaction takes place but it does not establish whether parties are legally entitled to enter into such a transaction. In fact it takes place without any critical examination of relevant records and does not even validate the transaction. The guiding legal frameworks are: The Registration Act, 1908 and The Registration Rules, 1973.

### **3.8.2 Institutional Arrangements.**

Registration department is under the jurisdiction of MLJPA and looked after at the centre by Inspector General of Registration. Below him, there are District Registrars (DR) and Sub-Registrars (SR) at District and Upazila levels respectively. Actually registration is done by a SR. All others in the hierarchy above him are supervisors in their respective jurisdictions. When any deed is registered in SR Office, land transfer (LT) notice is to be sent to AC (Land) Office. DR is supposed to inspect the Office of SR once in 2-3 months. But it is mostly a routine inspection. When buyers and sellers of a parcel of land come to an agreement on transfer of land, a deed is prepared on the stamp at 10% of the property value as Immovable Property Transfer Tax (IPTT) with the help of a Deed Writer and then presented before the SR for registering it. Both buyers and sellers have to appear before SR who takes cognizance and puts his signature. This registered deed is then copied in the prescribed register.

### **3.8.3 Analysis of Problems and Limitations of Registration.**

#### **3.8.3.1 Registration - a Mere Record of Transfer.**

As per existing laws, ownership is not checked before registration of a transfer deed. So one without being owner of a parcel of land can register transaction. Many fake owners exploit the inadequacy of this legal provision and cheat many transferees. Since SR is not legally obliged to check the genuineness of ownership, he cannot be held responsible for false transaction. This is simply because of inherent weakness of registration system in our country. As a result, incident of false registration occurs frequently particularly in urban areas where land value is very high.



Even one plot of land sometimes is sold to more than one parties leading to ownership litigations. This situation is improved now after enacting a new law in 2004 with a provision of submitting up dated ROR from AC(L) office.

#### **3.8.3.2 Lack of Cooperation with Land Functionaries.**

After registration of transfer deeds LT notices are to be sent immediately to the AC (Land) Office. But in reality this does not happen. LT notices in bundles are sent from SR Office in an interval of 1-2 months. Even when false transaction is discovered AC (Land) Office merely rejects the mutation without informing SR Office. The gap between two Offices complicates the whole process of land transfer.

In the late 1980s, an administrative reorganization committee, commonly known as Muyeed Committee identified the shortcomings and recommended for bringing changes of registration system and record-keeping under the executive authority of AC (Land). This, as per report, would ensure a cross-check at the stage of registration on the authenticity of deed being transacted. The recommendation along with suggestion on simplification of a transfer deed sparked an uproar among SRs and Deed Writers who feared of losing their prevailing stakes in the proposed system. The vested quarters' interest was ensured dashing aside the greater public interest.

#### **3.8.3.3 Irrelevant Context and Content of a Deed.**

The deed prepared by Deed Writers contains a lot of unnecessary words, sentences and jargons which could be avoided. A simple format with information relating to land schedule, particulars of transferee and transferor along with witnesses and their signatures could suffice recording the transaction.

#### **3.8.3.4 Lengthy Process of Registration.**

A phase in the registration process is copying the deed in a specified Volume (Register) maintained in the SR Office. But this is a time-consuming step. It takes about 9-12 months to hand over the registered deed after copying. There are copyist in the SR Office who performs the job but not without making inordinate delays. This job is so reluctantly done



that only copyist understands what he has copied. Therefore a question arises as to the purpose the Volume will serve. It seems a better option is to replace the copyist with a photocopier, which will save both time and money. It is presumed that the more illegible the hand writer is the more efficient the deed writer is.

#### **3.8.3.5 Corruption.**

The SR Office is noted for institutionalizing corruption with a fixed rate on the value of land which is to be paid for officials. If the amount is not paid the deed is not placed before the SR for registration. The staff of SR Office and Deed Writers colludes in this corrupt practice. This collusion frequently leads to lowering of IPTT by understating land value. Up-to-date market prices of land are not collected and maintained for which undervaluation of land becomes easier. Corruption is also a common practice in the other land offices also.

#### **3.8.3.6 Lack of Access to Information.**

At present common people do not have any access to information maintained by SR. If they would like to have a copy of the registered deed they have to spend a significant amount of money and time for that purpose. Any information on previous registration involves a time-consuming retrieval from volumes of records.

A registered deed, in spite of being an essential part of land record, is prepared and maintained by the SR Office, quite in isolation without active cooperation with the AC (Land) Office. The present registration system does not require checking ownership title of a transferor before transaction. This results in unbridled instances of fake registration paving ways for ownership litigations on land. The whole system based on unholy alliances between Deed Writers and registration Officials is corrupt and adversely affects landowner's interest. Legal modification acknowledging ownership as registrable prerequisite, computerization and active functional linkage between Registration and Land Office under a single executive authority may rectify the existing problems.



### **3.9 Land tenure & investment: Security needed for safe Investment**

French (1995) stated that a central factor affecting investment, production and conservation decisions at the farm household level is the farmer's level of control over his or her land. Farmers with secure tenure are much more likely to think of long-term production and conservation activities than sharecroppers or migrant laborers. They are also much more likely to invest in longer term strategies of land-use planning, including tree crops in agro forestry systems, and also more likely to have access to credit if necessary. The amount and types of land under stewardship of the farm household is therefore a critical factor. In some countries, accreting areas of intertidal land can be transferred from common property ownership (or no ownership) into the hands of collectives and individuals through traditional village-based legal systems. Often the land is assigned to collectives or individuals with the provision that they make use of it within a certain period of time; often the best demonstration that intertidal land is being used, is to clear it and construct extensive aquaculture ponds or brackish water rice paddy (Hanley and Hariyanto, 2000).

### **3.10 Conclusion**

The present haphazard condition of land management is not needed to be described in detail because almost entire population is its victim. It is not true all the time that concern officials are not caring about the quality and speed of the services they are delivering to the customers. But in some cases they find it difficult to help service seeker properly due complex legal and procedural mechanism. The major complexity arises from unnecessary and peculiar fragmented management specially at field level offices. The necessity of introducing integrated land management is being supported and suggested by many documents. Longtime back and huge literature in this arena also strongly support the crying need of integrated land management at least for providing one stop and speedy service to the stake holders.



# 4

## Conceptual Framework

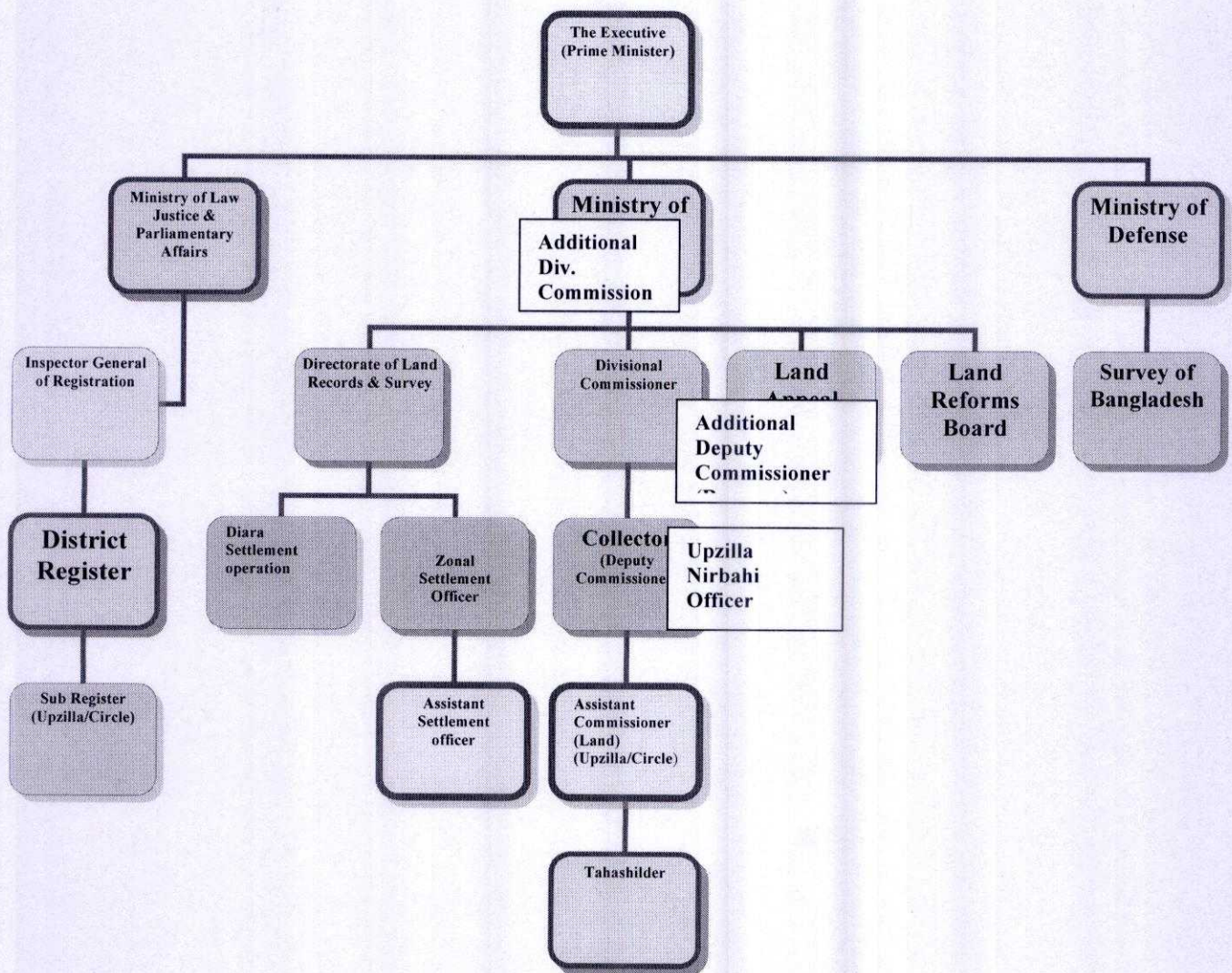
### **4.1 Positive outcome expected from Integrated Land Management**

In the past chapter impact of disintegrated land management especially at Upzilla level is analyzed with some probe into the present system. The points of delays are in the schematic diagram. Now before taking the views of the major stakeholders a conceptual framework about the expected positive out come of integrated land is tried to build in the following pages. Because without having such type of previous hypothesis it would be very difficult to concentrate the study on the areas of interest strictly.



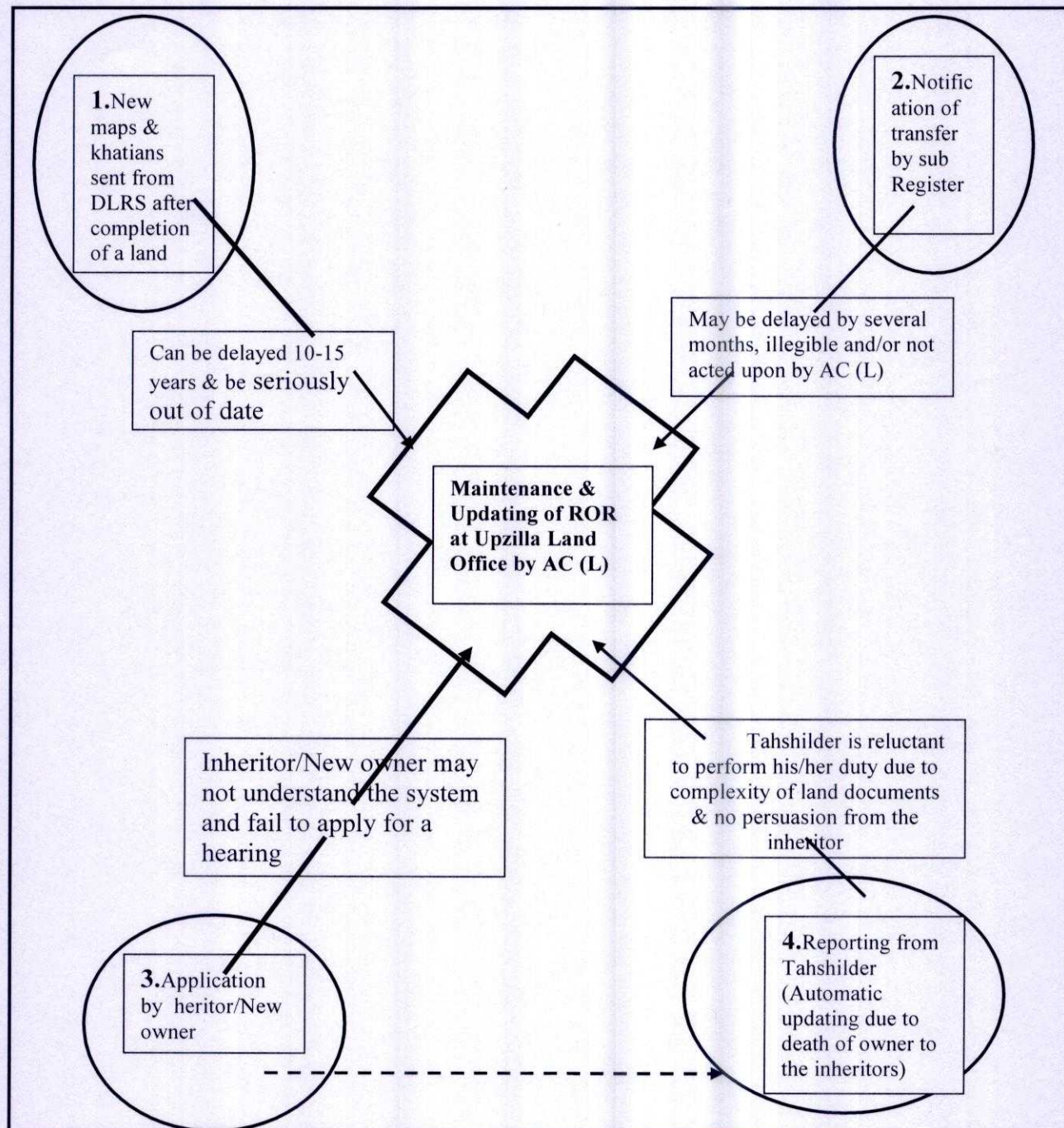
the following diagram. The impact of disintegration is discussed in the previous chapters.

### The present structure of Land Management in Bangladesh



**Figure 4.1: The present structure of Land Management in Bangladesh**

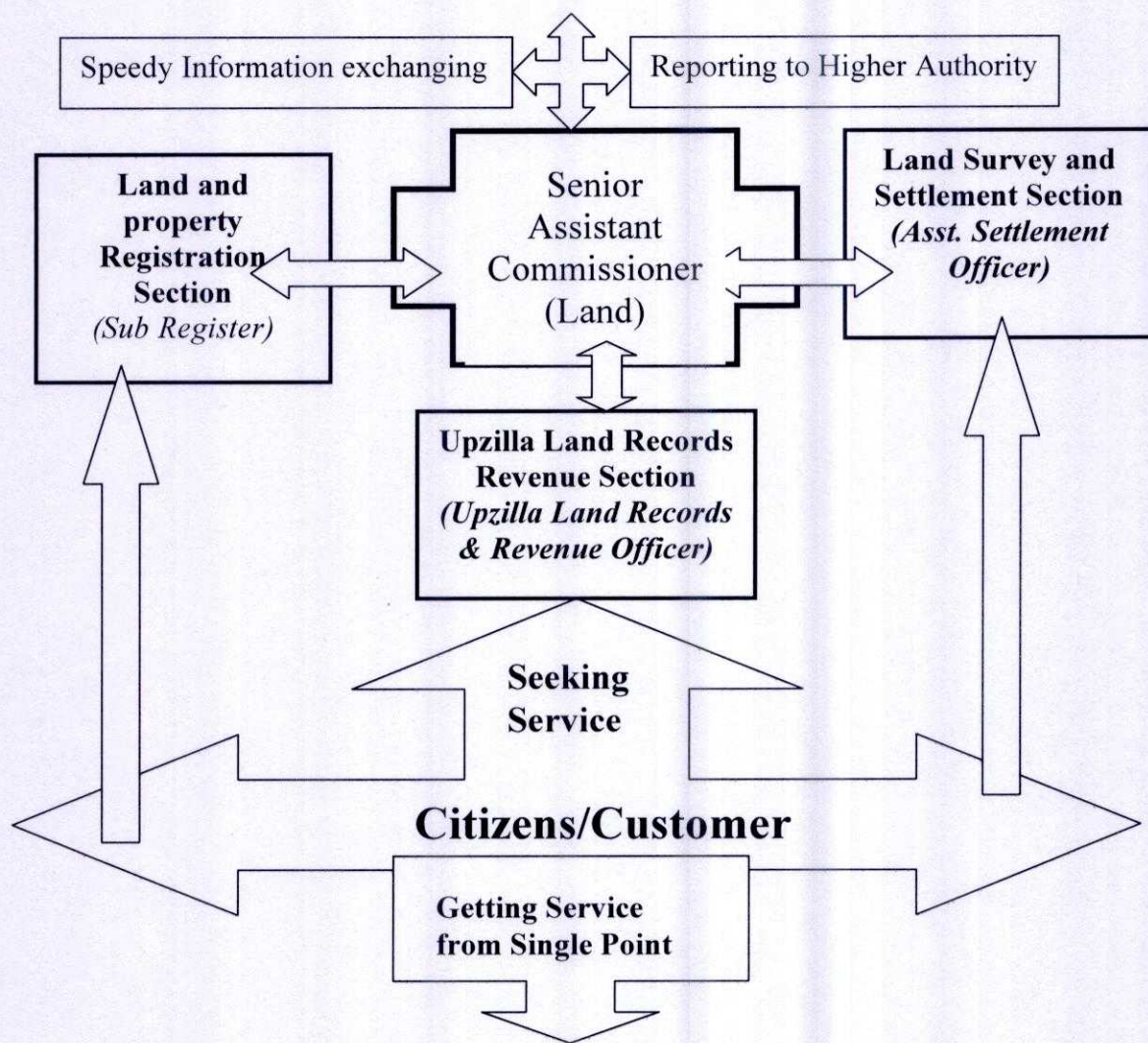




**Fig 4.2: Land Record Updating in Upzila land Office (from different sources):** Present disintegrated System makes delay in service delivery to the citizens & makes reporting and information exchanging difficult which ultimately led to complexity and litigation



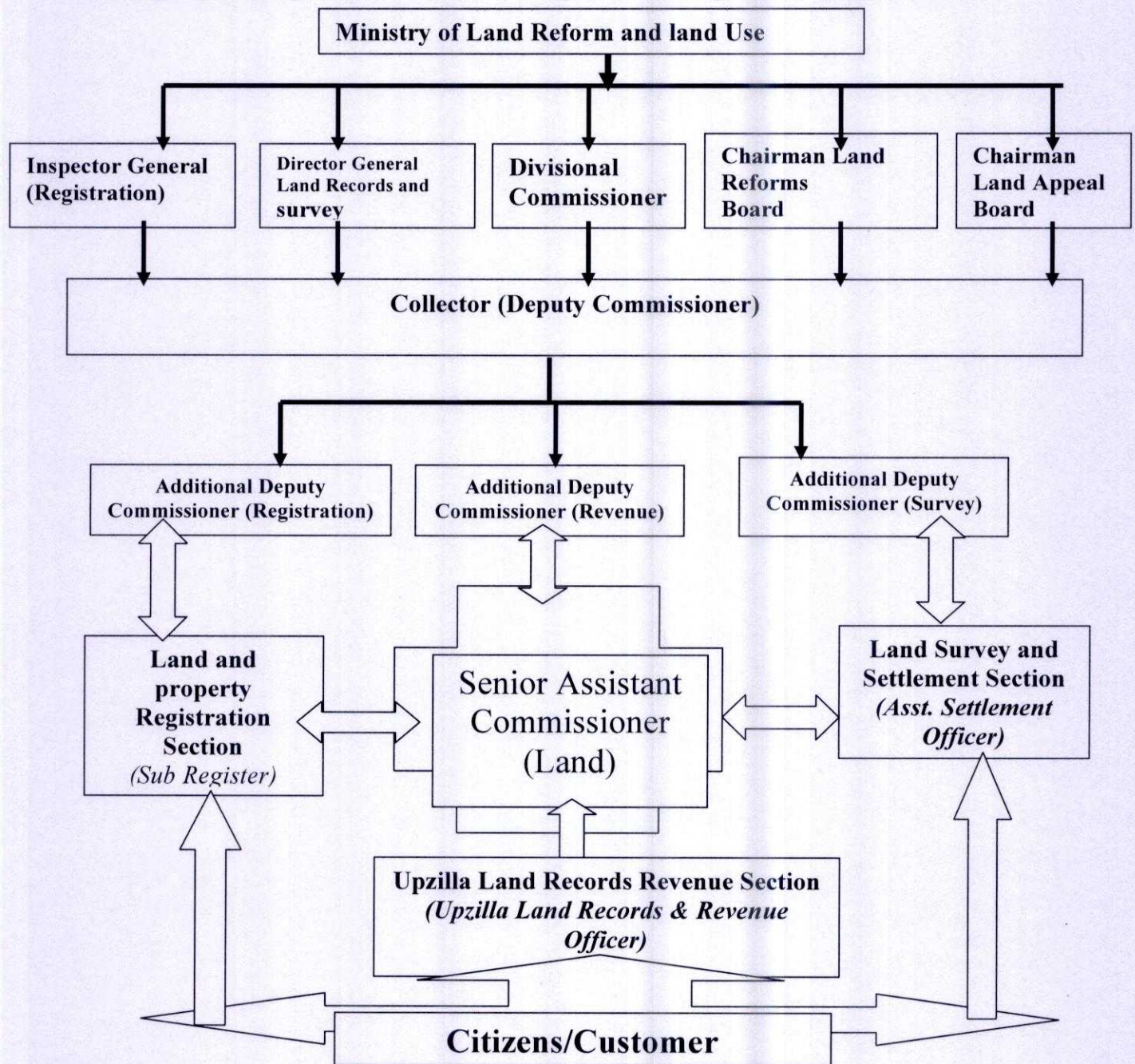
needed for the citizen is the maintenance and updating of ROR and almost all of other complexity has a direct relation with this process. Here a simplified model of speedy delivery to the citizen and at the same time speedy reporting and quick information exchanging is developed for Upzilla level land management



**Fig 4.3: Proposed Integrated land management Setup at Upzilla Level - Land Record Updating and Other services will be provided from one Single Point (Revised Upzila land Office):** *Proposed Integrated System will be able to deliver quick service, produce a simple easily understandable and conclusive land document which will ultimately reduce complexity and litigation in determining ownership of land.*



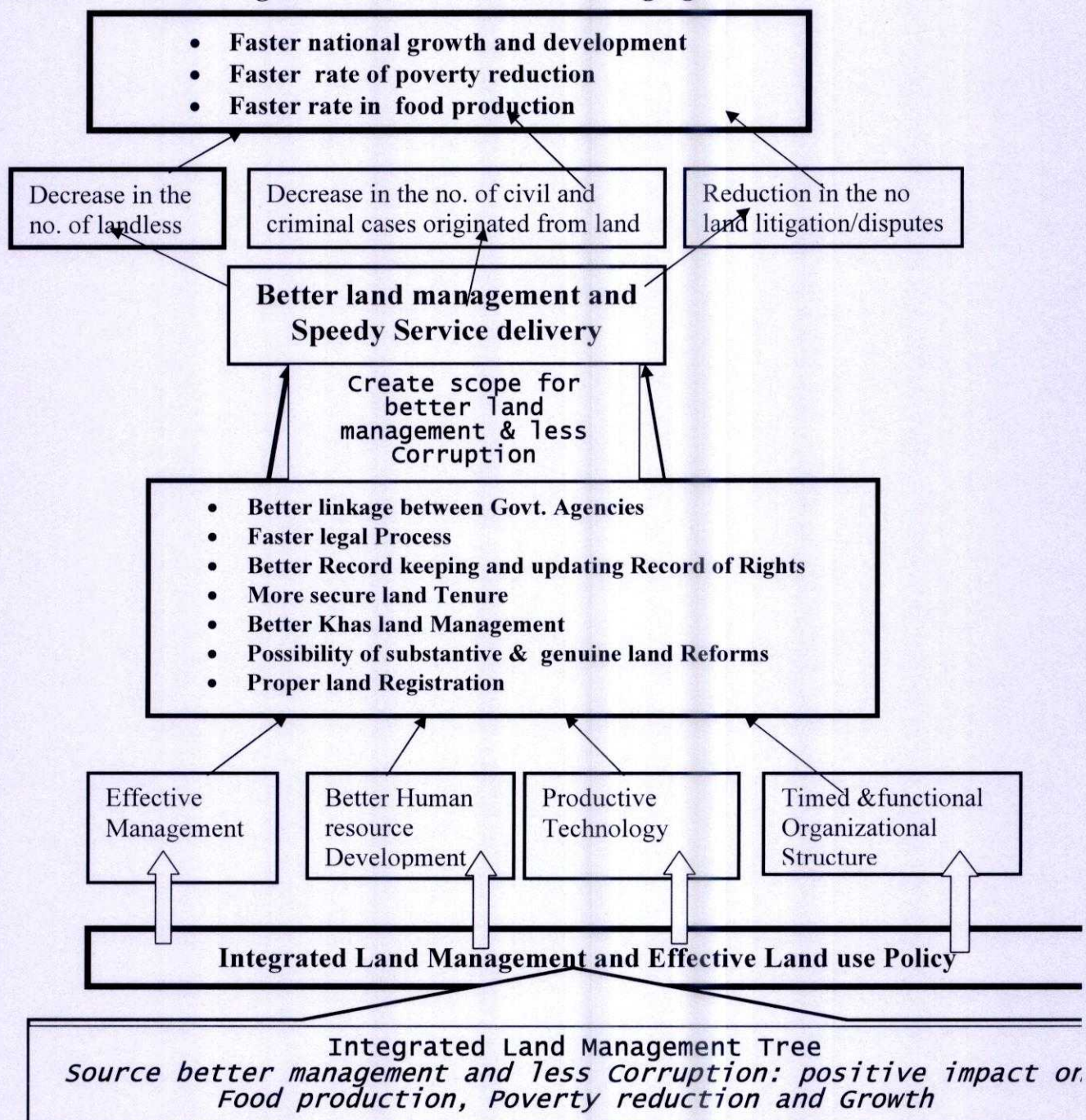
office is shown. Here is a another revised organogram of the whole national land management shown to provide speedy service delivery to the citizen and at the same time speedy reporting and quick information exchanging among different land management setup of the government.



**Fig 4.4:** A schematic Diagram of probable Integrated Land Management at National and field level: This can minimize existing mismanagement

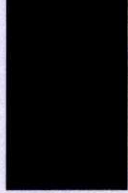


is shown in the following schematic diagram in a logical manner. It is the just opposite of the negative impact of disintegrated land management at different level of the government shown in following fig. 3.2



**Fig 4.5:** Expected positive impact of integrated land management on national growth, poverty reduction & food production





# Data Analysis

## 5.1 Introduction

Major reason behind not introducing effective procedure of providing speedy service may be that proper listening was never given to the beneficiaries. As a result no substantial improvement happened in this regard. Keeping this matter into consideration views of possible all category people were gathered to analyze the problem from various corner.

## 5.2 Collection of data with the new conceptual framework

In the previous chapter a new conceptual framework is designed about the expected positive outcome of integrated land management. It should be taken into consideration what is the thinking of the working people of land management? What is the thinking of local representatives about present land management? Local representatives usually adjudicate in their areas about land disputes. In what way the beneficiaries are evaluating the present complex system and how they want to see the solution to get speedy and proper service are also equally important. Finally the thinking and realization of experts and academics in these connections also has significant impact on the future pattern of integrated land management. Taking into consideration the above matters and as per the research design and methodological approach the following four categories of people were interviewed with four different sets of semi structured questionnaires. They are

- Government officials of different land related following Offices:
  1. Upzilla land office
  2. Sub Registry Office
  3. Settlement/zonal Settlement Office



- Local representatives who usually adjudicate about land related disputes
- Few experts and academics

Apart from interview few focused group discussions were arranged to have a comprehensive view of the problem of disintegrated land management and urgency of introducing integrated land management at different tire of the government.

Data was collected with a view to analyze the stake holder's responses regarding integration of land management beginning from field level up to national level. But concisely and deliberately analysis was confined only integration at Upzilla level because this is the most important.

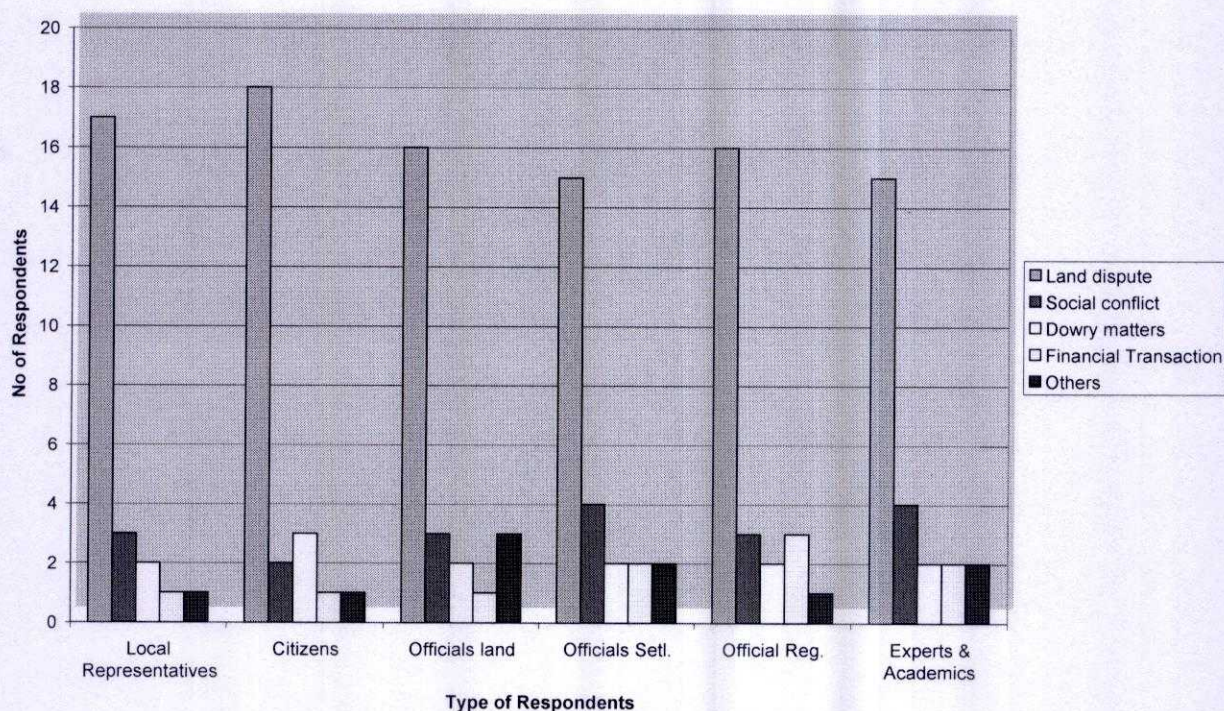
### **5.3 Causes behind so many civil & criminal disputes in Bangladesh**

Land litigation is a curse not only to the parties of their families but also to the nation. As per the objectives of study first of all the response of the different persons regarding principal causes behind so many civil & criminal disputes in Bangladesh is listed in the tabular and graphical form in the following page. Almost 80% civil and criminal cases arise from land litigations. A large number of working people are wasting their valuable time and money on those long hanging cases with almost no result. The nature of litigations is about possession, title, easement etc. Study report of Abul Barakat and Prashanta kumar Roy in 2004 says that 76.53% civil cases arise from land litigations. Respondents thinking also clearly support the study of Abul Barakat and Prahanta Kumar Roy in 2004



| c                     | Response on Different Causes |                 |               |                       |        | Total no. of Respondents |
|-----------------------|------------------------------|-----------------|---------------|-----------------------|--------|--------------------------|
|                       | Land dispute                 | Social conflict | Dowry matters | Financial Transaction | Others |                          |
| Local Representatives | 17                           | 3               | 2             | 1                     | 1      | 25                       |
| Citizens              | 18                           | 2               | 3             | 1                     | 1      | 25                       |
| Officials land        | 16                           | 3               | 2             | 1                     | 3      | 25                       |
| Officials Setl.       | 15                           | 4               | 2             | 2                     | 2      | 25                       |
| Official Reg.         | 16                           | 3               | 2             | 3                     | 1      | 25                       |
| Experts & Academics   | 15                           | 4               | 2             | 2                     | 2      | 25                       |

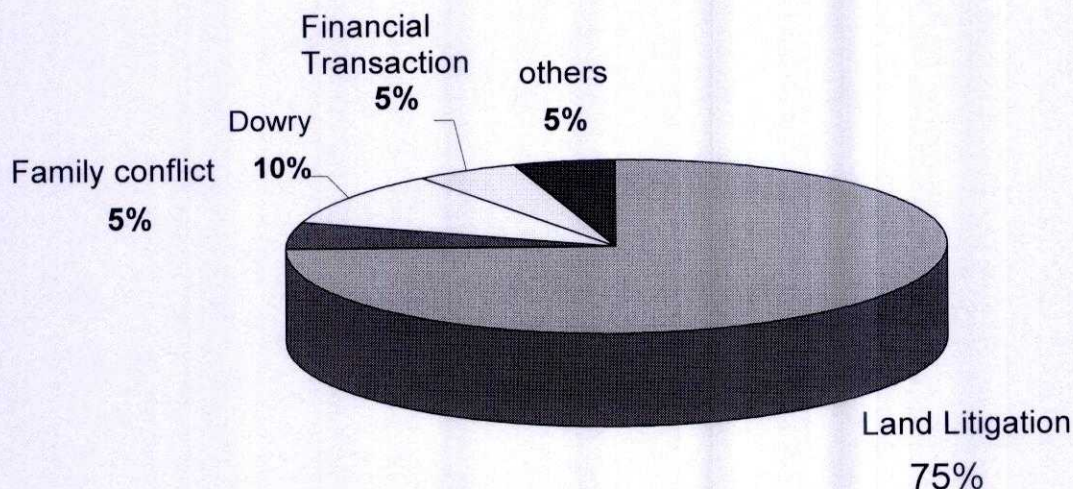
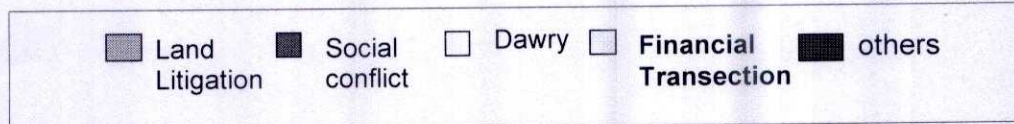
**Responses of the different respondents regarding principal causes behind so many civil & criminal disputes in Bangladesh**



**Chart 5.1: Responses of the different respondents regarding principal causes behind so many civil & criminal disputes in Bangladesh**

From the above table and graph it is clear that all categories of people identified land dispute as the principle reasons behind so many civil & criminal cases in Bangladesh.





**Chart 5.1.1: Responses of the different respondents regarding principal causes behind so many civil & criminal disputes in Bangladesh**

Much attention was given on the response of the local representatives regarding the adjudicating factors they are facing at present. Because from this point views the severity of problem of disintegrated land management can be sort out easily. From the above table and graph it is clear that all local level representatives identified land disputes as the principle reasons behind so many civil & criminal cases in Bangladesh which

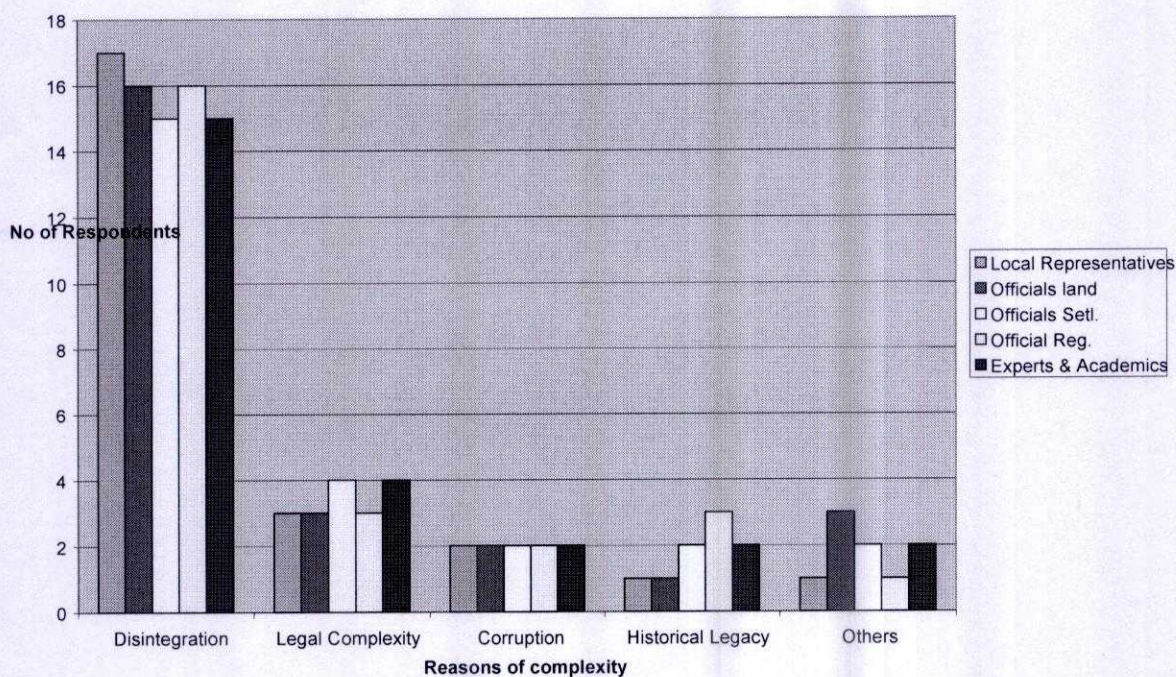
#### **5.4 Causes behind Complexity in land management in Bangladesh**

There are so many complexity in land management in Bangladesh for which people finds it furies to get involve any land related issues. They seldom seek any remedy from the land related offices until forced by any unavoidable situation. Respondent's thinking about the reason behind this complexity is stated in the following table and chart.



| Types of Respondents  | Response on Different Causes |                  |            |                   |        | Total no. of Respondent |
|-----------------------|------------------------------|------------------|------------|-------------------|--------|-------------------------|
|                       | Disintegration               | Legal Complexity | Corruption | Historical Legacy | Others |                         |
| Local Representatives | 17                           | 3                | 2          | 1                 | 1      | 25                      |
| citizens              |                              |                  |            |                   |        |                         |
| Officials land        | 16                           | 3                | 2          | 1                 | 3      | 25                      |
| Officials Setl.       | 15                           | 4                | 2          | 2                 | 2      | 25                      |
| Official Reg.         | 16                           | 3                | 2          | 3                 | 1      | 25                      |
| Experts & Academics   | 15                           | 4                | 2          | 2                 | 2      | 25                      |

**Observation of the different respondents regarding principal causes behind Complexity in land management in Bangladesh**



**Chart 5.2: Observation of the different respondents regarding principal causes behind Complexity in land management in Bangladesh**

From the above table and graph it is clear that all categories of people identified disintegration as the principle reasons behind the complexity in the land management in Bangladesh.

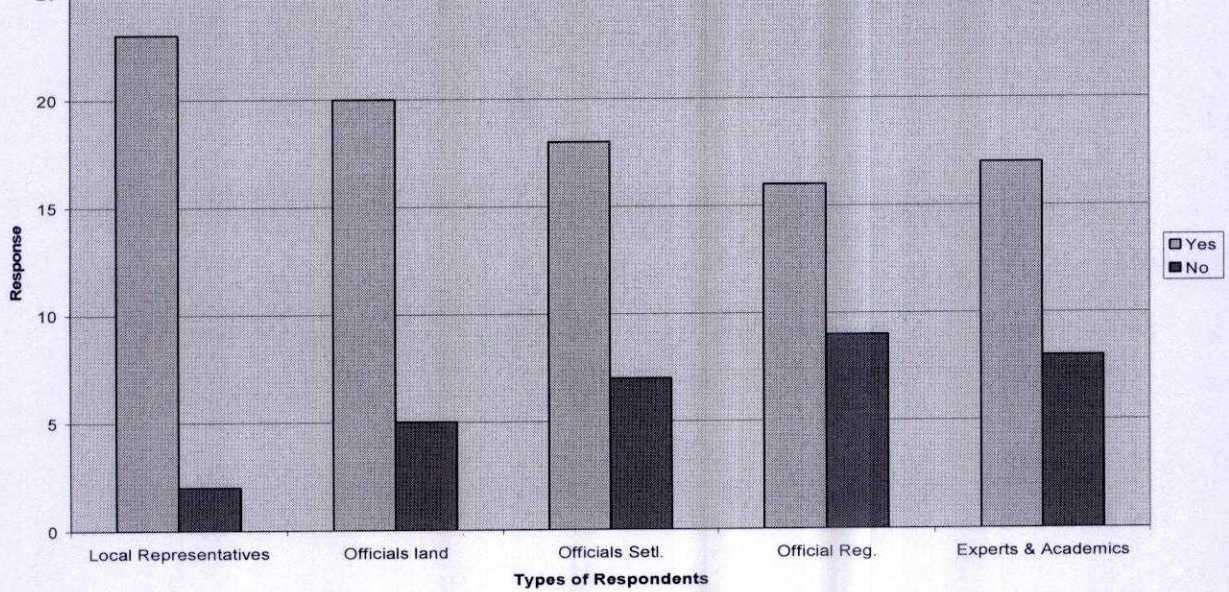


The idea of integration is understandable to every type of respondents because the do not want move different places for getting services related to land matters. Respondents view whether integrated land management will improve the speed of service delivery or not clearly support this proposition.

**Table 5.3: Responses regarding whether integrated land management will improve the present complex situation of land management and help providing speedy service to the citizens**

| Types of Respondents  | Responses |    | Total no. of Respondents |
|-----------------------|-----------|----|--------------------------|
|                       | Yes       | No |                          |
| Local Representatives | 23        | 2  | 25                       |
| Officials land        | 20        | 5  | 25                       |
| Officials Setl.       | 18        | 7  | 25                       |
| Official Reg.         | 16        | 9  | 25                       |
| Experts & Academics   | 17        | 8  | 25                       |





**Chart 5.3: Responses regarding whether integrated land management will improve the present complex situation of land management and help providing speedy service to the citizens**

From the above table and graph it is clear that all categories of people agree that integration in the field level land management can improve the present field level land management help providing speedy service to the stake holders.

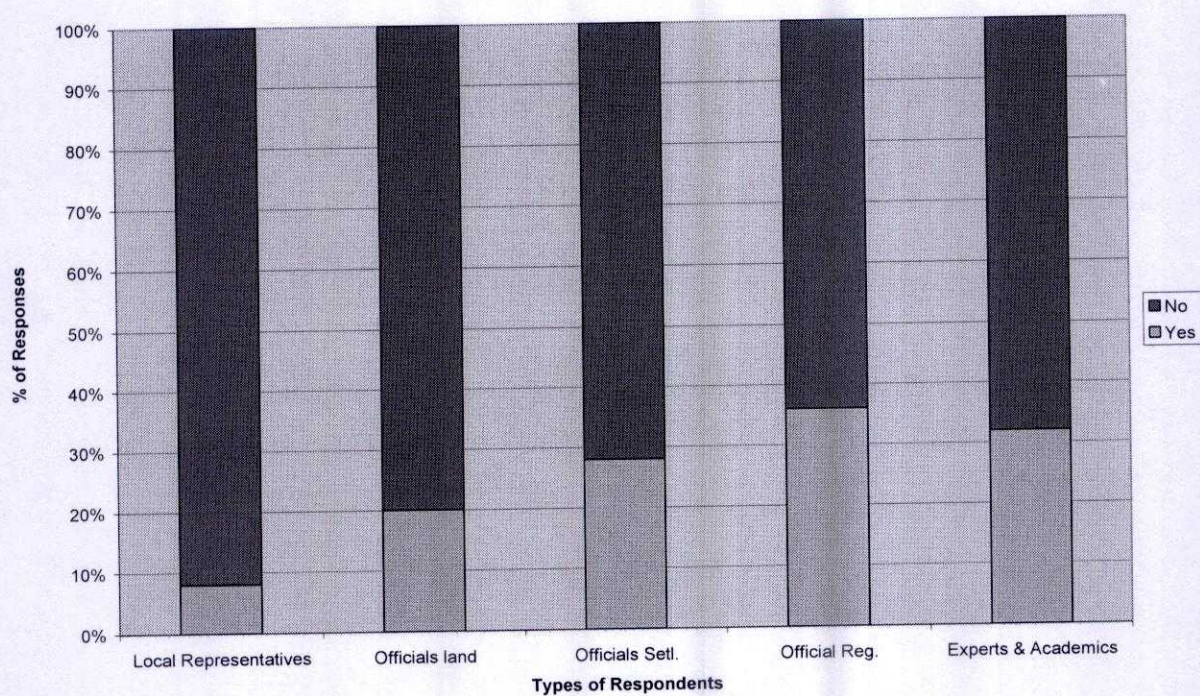
#### **5.6 Disintegrated land management is not sufficient for providing speedy service to the citizens**

On the contrarily respondents think that present disintegrated land management is not sufficient enough for providing speedy service to the stake holders.



| Types of Respondents  | Responses |    | Total no. of Respondents |
|-----------------------|-----------|----|--------------------------|
|                       | Yes       | No |                          |
| Local Representatives | 2         | 23 | 25                       |
| Officials land        | 5         | 20 | 25                       |
| Officials Setl.       | 7         | 18 | 25                       |
| Official Reg.         | 9         | 16 | 25                       |
| Experts & Academics   | 8         | 17 | 25                       |

**Responses regarding whether present disintegrated land management structure at field level is sufficient for providing speedy service to the citizens**



**Chart 5.4:** Responses regarding whether present disintegrated land management structure at field level is sufficient for providing speedy service to the citizens

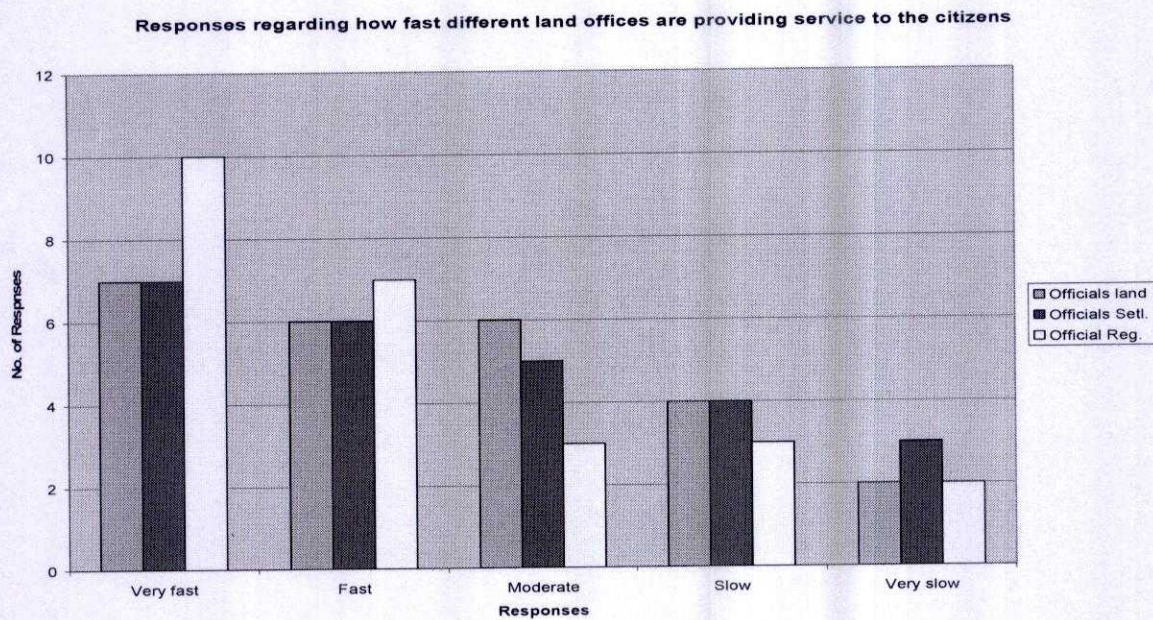
From the above table and graph it is clear that all categories of people identified disintegration as the principle reasons behind not providing speedy service to the citizens.



speedy manner.

**Table 5.5: Responses regarding how fast different land offices are providing service to the citizens**

| Types of Respondents | Response on Different Causes |      |          |      |           | Total no. of Respondents |
|----------------------|------------------------------|------|----------|------|-----------|--------------------------|
|                      | Very fast                    | Fast | Moderate | Slow | Very slow |                          |
| Officials land       | 7                            | 6    | 6        | 4    | 2         | 25                       |
| Officials Setl.      | 7                            | 6    | 5        | 4    | 3         | 25                       |
| Official Reg.        | 10                           | 7    | 3        | 3    | 2         | 25                       |



**Fig 5.5: Responses regarding how fast different land offices are providing service to the citizens**

From the above table and graph it is not easy to draw any simple conclusion. But service delivery is not satisfactory. Working people react from their own point of view.



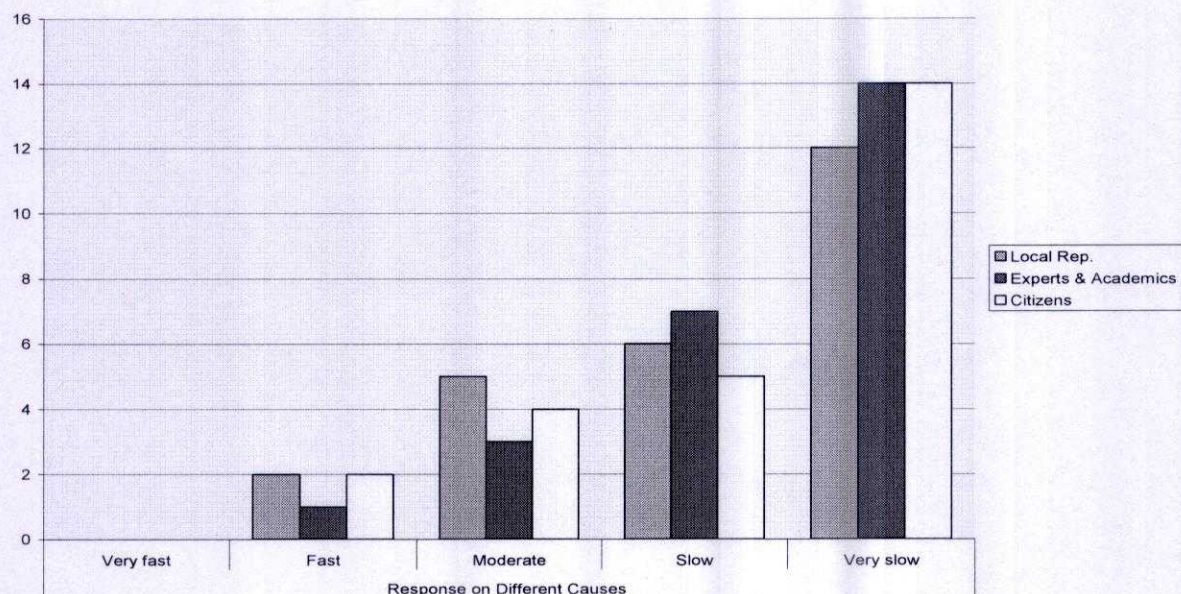
### 5.8 How fast citizens are getting services from different land offices : from service recipients' point of view

Service recipients think that they are not getting services at a reasonably speedy manner.

**Table 5.6: Responses regarding how fast citizens are getting services from different land offices.**

| Types of Respondents | Response on Different Causes |      |          |      |           | Total no. of Respondents |
|----------------------|------------------------------|------|----------|------|-----------|--------------------------|
|                      | Very fast                    | Fast | Moderate | Slow | Very slow |                          |
| Local Rep.           | 0                            | 2    | 5        | 6    | 12        | 25                       |
| Experts & Academics  | 0                            | 1    | 3        | 7    | 14        | 25                       |
| Citizens             | 0                            | 2    | 4        | 5    | 14        | 25                       |

Responses regarding how fast citizens are getting services from different land offices.



**Chart 5.6: Responses regarding how fast citizens are getting services from different land offices.**



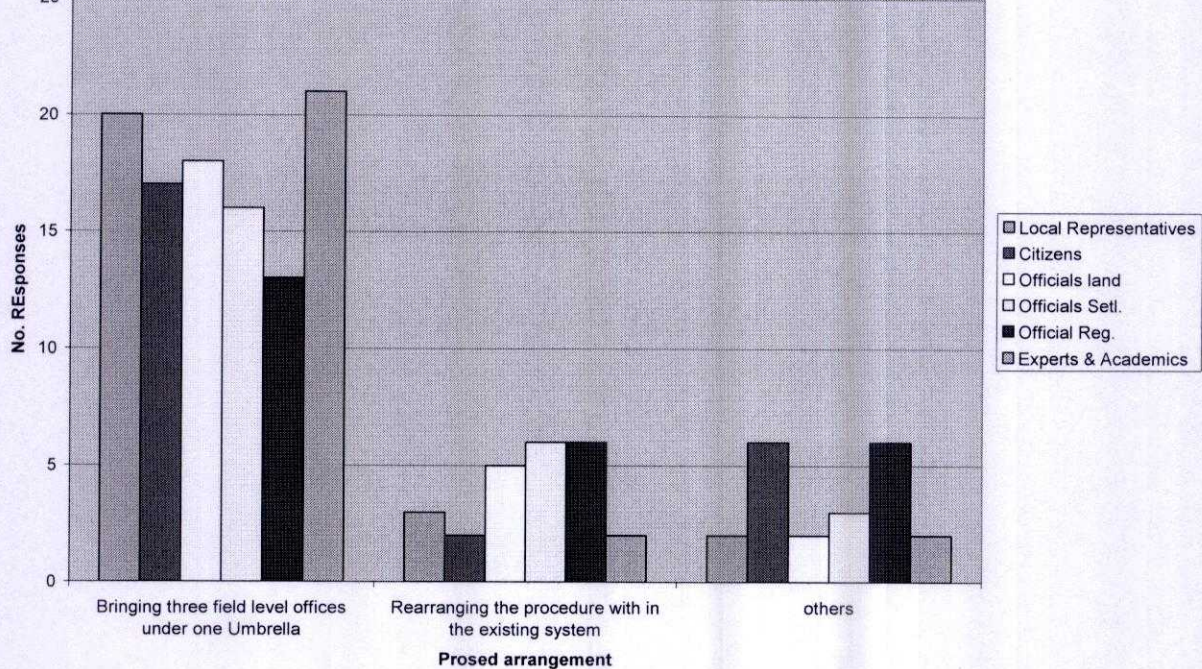
### 5.9 What could be the present provable mechanism of providing speedy service to the citizens at Upzilla level

Respondents' thinking regarding the present mechanism of providing speedy service to the stake holders' match with the idea of integration at field level land administration. All most all of the respondents think bringing the field level land offices under one umbrella can help a lot for providing speedy service to the citizen.

**Table 5.7: Responses regarding provable mechanism of providing speedy service to the citizens at Upzilla level**

| Types of Respondents  | Response on Different Causes                          |                                                       |        | Total no. of Respondents |
|-----------------------|-------------------------------------------------------|-------------------------------------------------------|--------|--------------------------|
|                       | Bringing three field level offices under one Umbrella | Rearranging the procedure with in the existing system | others |                          |
| Local Representatives | 20                                                    | 3                                                     | 2      | 25                       |
| Citizens              | 17                                                    | 2                                                     | 6      |                          |
| Officials land        | 18                                                    | 5                                                     | 2      | 25                       |
| Officials Setl.       | 16                                                    | 6                                                     | 3      | 25                       |
| Official Reg.         | 13                                                    | 6                                                     | 6      | 25                       |
| Experts & Academics   | 21                                                    | 2                                                     | 2      | 25                       |





**Chart 5.7: Responses regarding provable mechanism of providing speedy service to the citizens at Upzilla level**

From the above table and graph it is clear that all categories of people identified that bringing three field level offices under one Umbrella can help providing speedy service to the Citizens.

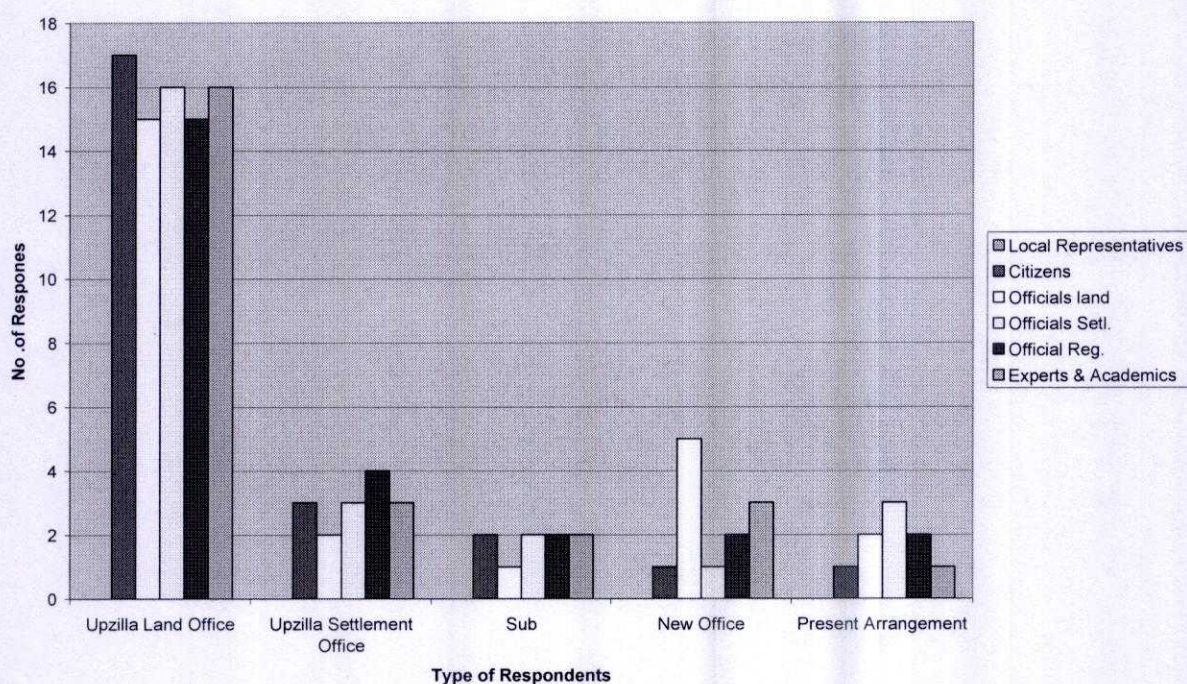
#### **5.10 Present provable Official arrangements of Integrated Land arrangement at Upzilla level**

Before going for long term big solution some quick and solution is demanded by all most all type of respondents. For this integration is needed at present. Regarding the possible and acceptable arrangement of integration respondents choose Upzilla land office at present. This is shown in the following table and chart.



| Respondents           | Upzilla Land Office | Upzilla Settlement Office | Sub Registry Office | New Office | Present Arrangement | Respondents |
|-----------------------|---------------------|---------------------------|---------------------|------------|---------------------|-------------|
| Local Representatives | 17                  | 3                         | 2                   | 1          | 1                   | 25          |
| Citizens              | 15                  | 2                         | 1                   | 5          | 2                   | 25          |
| Officials land        | 16                  | 3                         | 2                   | 1          | 3                   | 25          |
| Officials Setl.       | 15                  | 4                         | 2                   | 2          | 2                   | 25          |
| Official Reg.         | 16                  | 3                         | 2                   | 3          | 1                   | 25          |
| Experts & Academics   | 15                  | 4                         | 2                   | 2          | 2                   | 25          |

**Observation of the different respondents regarding present Official arrangements of Integrated Land arrangement at Upzilla level**



**Chart 5.8:** Observation of the different respondents regarding present Official arrangements of Integrated Land arrangement at Upzilla level

From the above table and graph it is clear that all categories of people opines that Upzilla land Office may the present Official arrangements of Integrated Land arrangement at Upzilla level



## **6.1 Introduction**

The people of this land is suffering from land related litigation and harassment for a long period of time. The government of Bangladesh has long recognized the seriousness of the problem and tried to remove the impediments behind introducing effective land management. But for many reasons and undue pressure from a small vested interest group desired level procedure is yet to be established. Here much attention has been given to the citizen's response regarding introducing integrated land management in a logical manner.

## **6.2 Essence of the data analysis**

Data analysis and its interpretation on the basis of this analysis, essence of previous reform attempts, relevant study reports, example of the neighboring countries (few states of India and Pakistan) strongly favor the necessity of introducing integrated land management at different level of government tier in the land management.

Persons at every level and every category have come to the same opinion that at least field level land management should be integrated in all respect. There is some little difference about the mode of integration. But almost all of the respondents are in the opinion that it is a burning issue which should be addressed immediately. Also majority of the respondents opine that at present people of administration cadre have the expertise and experience to handle the matter. Local representatives, experts and academics also cite example of India and Pakistan where most of the states have ensured integrated land management at field level and people of administration cadre is running the system. Surprisingly respondents of



ground in support of their proposition.

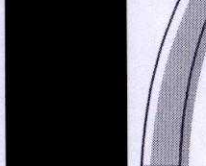
Another important findings of the study concludes that a single, easily understandable, transparent, acceptable and conclusive document in determining the ownership of land is needed to provide speedy service and finally to get rid of the citizens from so many civil and criminal cases.

### **6.3 Summarized Key findings of the study**

The summarized key findings of the study are listed below:

- About 80% of civil and criminal cases originates from land disputes resulting a colossal lose for the nation
- People are not getting speedy service from the land offices from field level as well as national level.
- Introduction of Integrated land management needs some legal and institutional reform and rearrangements.
- Bringing the Upzilla level offices under one umbrella is the primary step of introducing integrated land management
- Integrated land management can
  - reduce the complexity of land management
  - reduce the number of civil and criminal cases
  - provide speedy service to the citizens
  - establish speedy exchange of both vertical as well as horizontal information and reporting
- Upzilla land office is preferably the proper place at present for initiating the journey of integrated land management





# Recommendations and conclusion

## 7.1 Introduction

Land is basic and land is life in Bangladesh. People of this region lost their title and ownership to land in 1973 when permanent settlement was established. The poor peasant got it back in 1950 through State Acquisition and Tenancy Act. But due to various reasons the ownership mechanism still remains clumsy. From British and Pakistan colonial period and also during independent Bangladesh period many reformative initiatives have been taken to simplify the mechanism of ownership determination, its maintenance and updating (Traditionally it is known as Khatian maintenance and updating). But for many reasons a significant and easily understandable single but conclusive ownership determining document is yet to be introduced. The principle reason behind this sad back is obviously disintegrated procedures in the land management structure staring from root level up to national level.

The implementation of integrated land management can bring revolutionary change in land administration by bringing Revenue, Settlement and Registration department under one Umbrella at list at the Upzilla level for first instance. All most respondents of all categories are in the same opinion that with out integration of land administration at field level proper and speedy service to the stake holders is all most impossible.



**The recommendations with a view to speedy service to the stake holders which can be summarized from this study are:**

- Enabling legislation is needed to make the base of integrated land management
- A comprehensive Institutional frame work conceiving the concept of integrated land management
- A land Information system strategy
- Introducing plot based ROR instead of family based ROR
- A targeted resource mobilization plan
- A continuous public awareness and confidence building campaign
- Improved land related revenue collection system
- Integrations of field level offices for delivering service and also exchanging information from one single point.

### **7.3 Functional procedure to introduce integrated land management for providing Speedy service**

**To make the study fruitful and operational a functional procedure is prescribed from the realization and opinion of he respondents as below:**

- The positive step of integrated land management must be started without any delay from first instance at Upzilla level for making the ground work of simplification of land ownership mechanism with a single, easily understandable and conclusive document.
- Once for almost all central Survey through a crash program and transferring the prepared ROR to the District and Upzilla level integrated Official control.



- Integrated Land Management instead of disintegrated land Management in every sphere of government for providing speedy service to the stakeholders

#### **7.4 Impediments behind Integrated Land Management:**

- Present land laws and Management structure are not sufficient and suitable enough to introduce an integrated land management
- Lack of political will and bureaucratic commitment
- Lack of knowledge regarding technology replacement and maintenance procedures
- Unexpected and illogical internal and external pressure from different vested interest group
- Lack of peoples' conscience
- Shortage of skilled personnel
- Lack of continuing human resource development

#### **7.5 Conclusion:**

"Land is the father of wealth and labor is her mother"-William Petty (1623-1687) the founder father of Classical Political Economy. This statement is sufficient to realize, how much importance should be given to land for the development of a country. The history of the people of this land is associated with their struggle to have their right to land. The laborious people of our country are trying their best to change their lot using the little amount of land which they have in their possession. But due to complex ownership determination mechanism through three different land offices, a peaceful situation seldom occurs for the poor cultivators.







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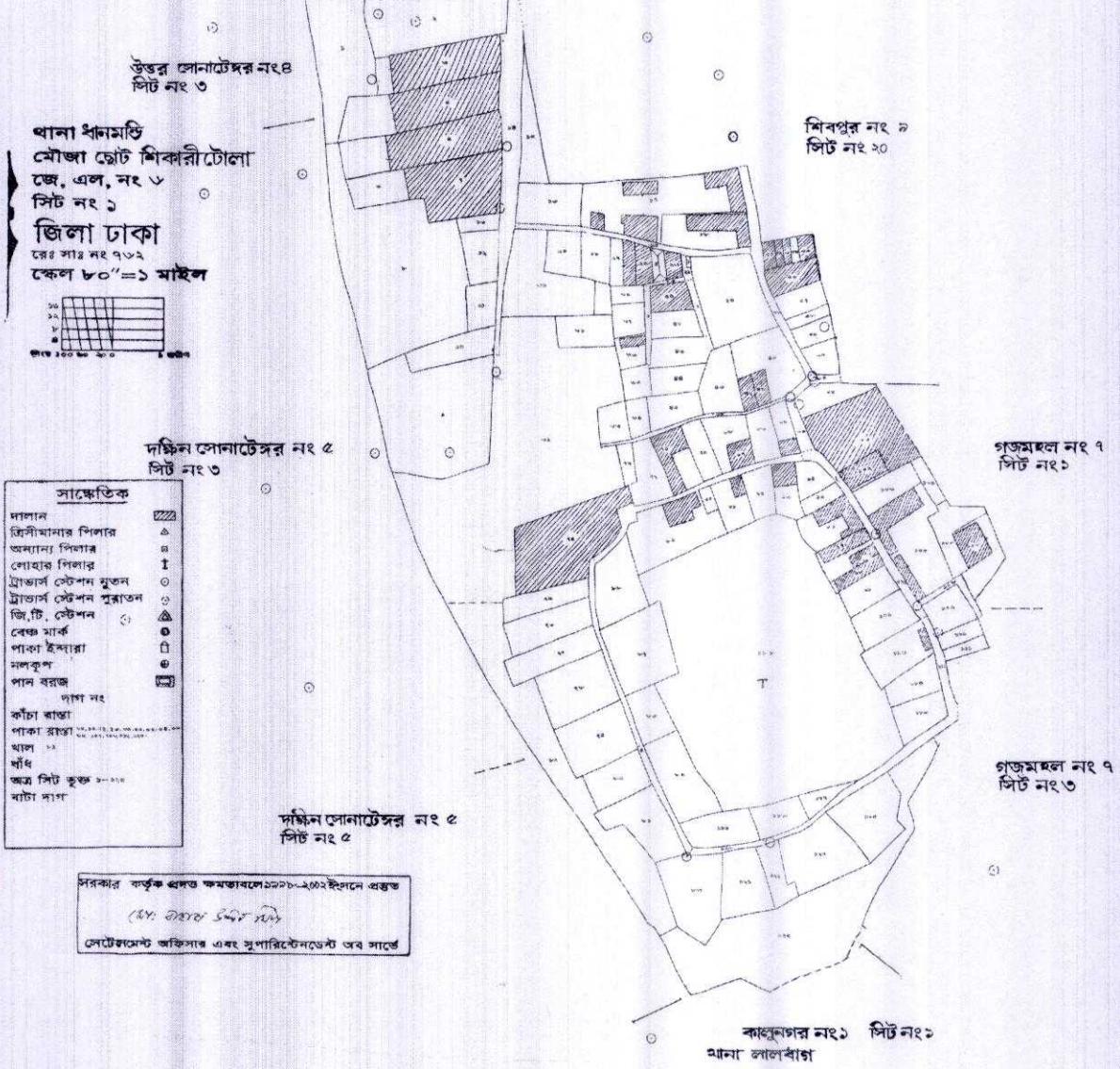
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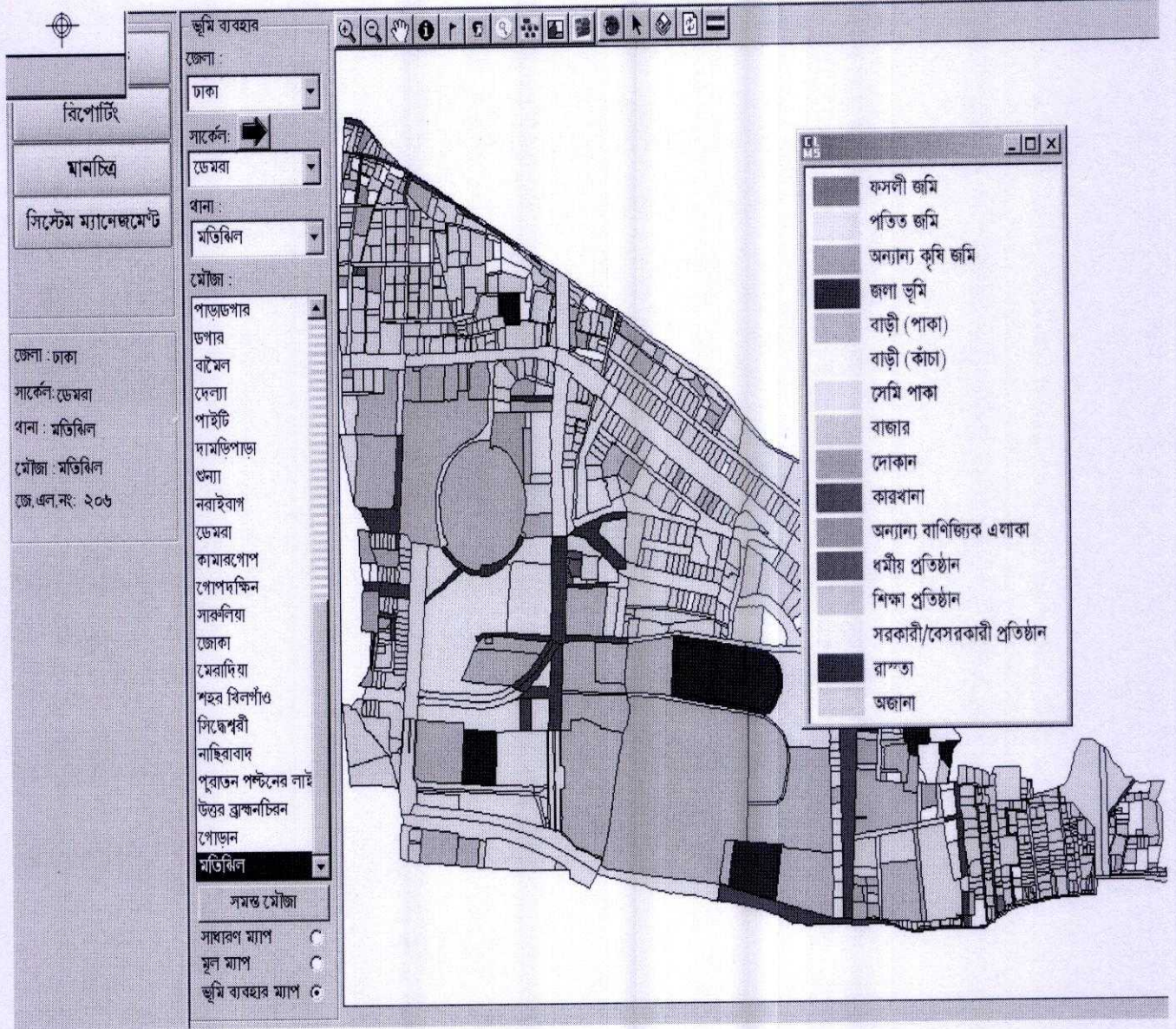
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## খতিয়ান নং - ৯২

বিস্তারিত ঢাকা

জেলা: ঢাকা

থানা: ধানমন্ডি

মোজা: ছোট শিকারীটোলা

জে, এল, নং: ৬

বে: সা: নং:

| মাণিক, অর্ধি বোঁদা বা<br>ইজারদারের নাম ও ঠিকানা                                                                                                                                 | অংশ                                                         | বছর | দপ নং | জমির প্রণী   |               | দাপের মোট পরিমাণ |              | দাপের মধ্যে অর্ধ<br>বিস্তারিতের অংশ | অংশবিশী জমির পরিমাণ |           | দপের বিষয়ক বা<br>অন্যান্য বিশেষ<br>মন্তব্য |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-----|-------|--------------|---------------|------------------|--------------|-------------------------------------|---------------------|-----------|---------------------------------------------|
| ১                                                                                                                                                                               | ২                                                           | ৩   | ৪     | কৃষি<br>৫(ক) | অর্ধি<br>৫(খ) | একর<br>৬(ক)      | শতংশ<br>৬(খ) | ৭                                   | একর চ(ক)            | শতংশ চ(খ) | ৮                                           |
| মাণিক<br>দে মোজারকর হোসেন<br>মোজাখোদ হোসেন<br>নাসিমা আরতের<br>সুফিয়া কেসম<br>কামনা কেসম<br>হেফিমা কেসম<br>বিং হেনরেন্ড উদ্য<br>আমোয়র কেসম<br>জুং হেনরেন্ড উদ্য<br>৪৩ নং গজমহল | ০.২১৯<br>০.২১৯<br>০.১১০<br>০.১০৯<br>০.১০৯<br>০.১০৯<br>০.১২৫ |     | ১১৫   |              | বড়ী          |                  |              | ১.০০০                               |                     | ০.৬৬০     | ৪৩/১                                        |
| ধারমতে মোট বা পরিবর্তন<br>মাস মোকদ্দমা নং ও ক<br>স।                                                                                                                             | ১.০০০                                                       |     |       |              |               |                  |              | মোট জমি<br>বিস্তারিত মোট ১.০০০।     |                     | ০.৬৬০     |                                             |



1. Name :
2. Present Position :
3. Official Address :
4. Experience in land management:
5. How quickly field level offices provide service to the citizens?
  - a. Very fast ☐
  - b. fast ☐
  - c. moderate ☐
  - d. slow ☐
  - e. Very slow ☐
6. What is the main reason behind the complexity of land management in Bangladesh?
  - a. Disintegration at different level ☐
  - b. Legal complexity ☐
  - c. Corruption ☐
  - d. Historical legacy ☐
  - e. Others ☐
7. What is your opinion regarding determining the ownership of land by legal documents from three different sources(Land, Sub-Registry & Settlement offices) ?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Do you think present land management structure at field level is sufficient for providing speedy service to the citizens?
  - a. Yes ☐
  - b. No ☐
9. If not (for Question 8) then what is the simplest solution?
  - a. Bringing field level offices under one umbrella ☐
  - b. Rearranging the procedure with in the existing system ☐
  - c. Establishing new Office ☐
  - d. others ☐
10. If Integration attempt is taken which office do you think should be the central office?
  - a. Upzilla Land Office ☐
  - b. Settlement office ☐



11. Do you think that integrated land management at different level will improve the complex situation of land management in Bangladesh?

a. Yes

b. No

Please explain your position.

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12. What is the principal cause behind so many civil & criminal disputes in Bangladesh? (Please provide % in the Box)

a. land dispute

b. family dispute

c. Financial transaction

d. Dowry and other woman harassment

e. Others

13. Do you think Government should pay proper and timely attention to land management?

a. Yes

b. No, enough has been done

Please explain in brief about our position

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14. How can we improve the existing land management system to address the citizen's need of getting speedy service?

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**15. What kind of problem do you have to face in handling land documents?**

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**17. Please give your further opinion about introduction of integrated land management with a view of delivering speedy service to the citizen.**



Please read the questions carefully and put tick mark in the right column.  
 the space. In case of open ended questions, you are welcome to use separate sheet if needed  
 (দয়া করে প্রশ্নসমূহ পড়ুন ও আপনার জন্য প্রযোজ্য বক্সে টিক চিহ্ন দিন। পশ্চের পরে দেয়া স্থানে মতামত দিন।  
 প্রয়োজন হলে অতিরিক্ত পৃষ্ঠা ব্যবহার করতে পারেন।)

1. Name

১. (নাম)

:-----

2. Occupation

২. (পেশা)

:-----

3. Permanent Address

৩. (স্থায়ী ঠিকানা)

:-----

-----

-----

-----

4. Age

৪. (বয়স)

:-----

6. Educational Qualification

(৬. শিক্ষাগত যোগ্যতা)

:-----

7. Why has you come to this office?

(৭) আপনি এই অফিসে কোন কাজে এসেছেন)

a. (ক) To Collect land related document (জমি সংক্রান্ত দলিলপত্র যোগাড় করতে) ☐

b. (খ) To collect information (জমি সংক্রান্ত তথ্য যোগাড় করতে) ☐

c. (গ) Others (অন্যান্য) ☐

8. Where will you use this document?

(৮) আপনি এই দলিলপত্র কোথায় ব্যবহার করবেন?

a. (ক) Will be produce in the Court (আদালতে প্রদর্শন করা হবে) ☐

b. (খ) For selling/purchasing of land (জমি ক্রয়/বিক্রয়ে ব্যবহার করা হবে) ☐

c. (গ) For updating document only (সতুলিপি হালনাগাদ করার জন্য) ☐

d. (ঘ) Others (অন্যান্য) ☐

9. How quickly people are getting service from field level land related offices?

৯. (মাঠ পর্যায়ের ভূমি ব্যবস্থাপনপর সাথে সম্পৃক্ত অফিস সমূহ হতে কিরকম গতিতে জনগন সেবা পাচ্ছে)

a. (ক) Very fast (অতি দ্রুত) ☐

b. (খ) fast (দ্রুত) ☐

c. (গ) moderate (মধ্যম) ☐

d. (ঘ) slow (ধীর) ☐

e. (ঙ) Very slow (অতি ধীর) ☐

10. Which offices do you need to go to collect document and to get services in land matters?



11. What is the principal cause behind so many Civil and criminal dispute in Bangladesh?

(Please provide % in the Box)

১১) বাংলাদেশ এত বেশী দেওয়ানী ও ফৌজদারী মামলার কারণ কি ? (দয়াকরে শতকরা হারে প্রকাশ করুন)

a. (ক) land dispute.(জমি সংক্রান্ত বিরোধ)

b. (খ) family dispute (পারিবারিক বিরোধ)

c. (গ) Financial transaction (আর্থিক লেনদেন)

d. (ঘ) Dowry and other woman harassment (যৌতুক ও নারী নির্যাতন)

e. (ঙ) Others (অন্যান্য)

12. Do you think present land management structure at field level is sufficient for providing speedy service to the citizens?

১২. (আপনি কি মনে করেন বর্তমান মাঠ পর্যায়ের ভূমি ব্যবস্থাপনা কাঠামো নাগরিকদের দ্রুত সেবা প্রদানের জন্য উপযোগী)

a. (ক) Yes (হ্যাঁ)

b. (খ) No (না)

13. If not then what is the simplest solution?

১৩. (যদি না হয় তাহলে সহজ সমাধান কি?)

a. (ক) Bringing field level offices under one umbrella (মাঠ পর্যায়ের অফিসগুলো একই ব্যবস্থাপনায় আনা)

b. (খ)Rearranging the procedure with in the existing system ( বর্তমান ব্যবস্থা অক্ষুণ্ন রেখে পূর্ণঘটন)

c. (গ) others (অন্যান্য)

If option is C Please give your opinion (যদি উত্তর গ হয় আপনার মতামত দিন)-----

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14. If Integration attempt is taken which office do you think should be the central Office  
১৪. (যদি সমন্বিত ভূমি ব্যবস্থাপনার উদ্যোগ নেয়া হয় তাহলে উপজেলা পর্যায়ে কোন অফিস সবচেয়ে বেশী উপযোগী)

a. (ক) upzilla Land Office (উপজেলা ভূমি অফিস)

b. (খ) Settlement office (জরিপ অফিস)

c. (গ) Sub Registry office (সাব রেজিস্ট্রী অফিস)

d.(ঘ) New office (নতুন অফিস)

15. How can we improve the existing land management system to address the need of citizen's demand about getting speedy service?

১৫. (নাগরিকদের দ্রুত সেবা প্রদানের জন্য বর্তমান ভূমি ব্যবস্থাপনার উন্নয়নে কি কি পদক্ষেপ নেয়া যায়?)

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17. What kind of problems do you have to face in handling land documents?

১৭. (ভূমি সংক্রান্ত দলিল পত্র ব্যবহারে আপনি কোন ধরনের জটিলতার মুখোমুখি হচ্ছেন?)

18. Do you think that integrated land management will improve the complex situation & help in providing speedy service to the citizens ?

১৮. (আপনি কি মনে করেন সমন্বিত ভূমি ব্যবস্থাপনা বাংলাদেশের ভূমি ব্যবস্থার জটিলতার অবসানে উল্লেখযোগ্য ভূমিকা রাখবে এবং নাগরিকদের

দ্রুত সেবা প্রদানে সহায়তা করবে?)

a. Yes

b. No

Explain in brief about our position (আপনার বক্তব্যের সমর্থনে কিছু বলুন) -----

19. Please give your further opinion in the introduction of integrated land management with a view point of delivering speedy service to the citizen.

১৯. (নাগরিকদের দ্রুত সেবা প্রদানের লক্ষ্যে সমন্বিত ভূমি ব্যবস্থাপনা চালু করার ব্যাপারে আপনদের যদি অতিরিক্ত কোন মতামত থাকে লিখুন?)



(দয়া করে প্রশ্নসমূহ পড়ুন ও আপনার জন্য প্রযোজ্য বক্রে টিক চিহ্ন দিন। প্রশ্নের পরে দেয়া স্থানে মতামত দিন।  
প্রয়োজন হলে অতিরিক্ত পৃষ্ঠা ব্যবহার করুন।)

1. Name :-----  
১. (নাম)  
2. Occupation :-----  
২. (পেশা)  
3. Permanent Address :-----  
৩. (স্থায়ী ঠিকানা)  
4. Age :-----  
৪. (বয়স)  
5. Educational Qualification :-----  
৫. শিক্ষাগত যোগ্যতা)

6. At the time of adjudication what type disputes usually you are facing?

৬. (স্থানীয় সালিশি নিষ্পত্তির কোন বিষয়গুলোর সমাধান করতে হয়?)

(Please provide % in the Box)

(দয়াকরে শতকরা হারে প্রকাশ করুন)

- a. (ক) land dispute.(জমি সংক্রান্ত বিরোধ)   
b. (খ) Family dispute (পারিবারিক বিরোধ)   
c. (গ) Financial transaction (আর্থিক লেনদেন)   
d. (ঘ) Dowry and other woman harassment (যৌতুক ও নারী নির্যাতন)   
e. (ঙ) Others (অন্যান্য)

7. What is the main reason behind complexity of land management in Bangladesh?

৭. (বাংলাদেশে ভূমি ব্যবস্থাপনার জটিলতার মূল কারণ কি?)

- a.(ক) Disintegration in land management (সমন্বয়হীন ভূমি ব্যবস্থাপনা)   
b.(খ) Legal complexity (জটিল ভূমি আইন)   
c.(গ) Corruption (দুর্নীতি)   
d.(ঘ) Historical Legacy (ঐতিহাসিক উত্তরাধীকার)   
d.(ঙ) Others (অন্যান্য)

8. How quickly people are getting service from field level land related offices?

৮. (মাঠ পর্যায়ের ভূমি ব্যবস্থাপনায় সাথে সম্পৃক্ত অফিস সমূহ হতে ক্রিয়াকর্ম গতিতে জনগণ সেবা পাচ্ছে)

- a. (ক) Very fast (অতি দ্রুত)   
b. (খ) fast (দ্রুত)   
c. (গ) moderate(মধ্যম)   
d. (ঘ) slow(ধীর)   
e. (ঙ) Very slow(অতি ধীর)



a. .(ক) Yes হ্যাঁ ☐

b. (খ) No না ☐

9. If not then what is the simplest solution?

৯. (যদি না হয় তাহলে সহজ সমাধান কি?)

a.(ক) Bringing field level offices under one umbrella (মাঠ পর্যায়ের অফিস সমূহ একই ব্যবস্থাপনায় আনা) ☐

b.(খ) Rearranging the procedure with in the existing system (বর্তমান ব্যবস্থায় পূর্ণগঠন) ☐

c. (গ) others (অন্যান্য) ☐

If option is C Please give your opinion(যতি উত্তর গ হয় আপনার মতামত দিন) -----

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10. What is the principal cause behind so many Civil and criminal dispute in Bangladesh?  
(Pease provide % in the Box)

(১০) বাংলাদেশ এত বেশী দেওয়ানী ও ফৌজদারী মামলার কারণ কি ?

(দয়াকরে শতকরা হারে প্রকাশ করুন)

a. (ক) land dispute.(জমি সংক্রান্ত বিরোধ) ☐

b. (খ) Family dispute (পারিবারিক বিরোধ) ☐

c. (গ) Financial transaction (আর্থিক লেনদেন) ☐

d. (ঘ) Dowry and other woman harassment (যৌতুক ও নারী নির্যাতন) ☐

e. (ঙ) Others (অন্যান্য) ☐

11. If Integration attempt is taken which office do you think should be the central Office

১১. (যদি সমন্বিত ভূমি ব্যবস্থাপনার উদ্যোগ নেয়া হয় তাহলে উপজেলা পর্যায়ে কোন অফিস সবচেয়ে বেশী উপযোগী)

a. (ক) upzilla Land Office (উপজেলা ভূমি অফিস) ☐

b. (খ) Settlement office (জরিপ অফিস) ☐

c. (গ) Sub Registry office (সাব রেজিস্ট্রী অফিস) ☐

d. (ঘ) New office (নুতন অফিস) ☐

12. Do you think that integrated land management will improve the complex situation & help in providing speedy service to the citizens ?

১২. (আপনি কি মনে করেন সমন্বিত ভূমি ব্যবস্থাপনা বাংলাদেশের ভূমি ব্যবস্থাপনার জটিলতার অবসানে উল্লেখযোগ্য ভূমিকা রাখবে এবং নাগরিকদের দ্রুত সেবা প্রদানে সহায়তা করবে?)

a. .(ক) Yes হ্যাঁ ☐

b. (খ) No না ☐

Explain in brief about our position (আপনার বক্তব্যের সমর্থনে কিছু বলুন) -----

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14. What kind of problems do you have to face in handling land documents?

১৪. (ভূমি সংক্রান্ত দলিল পত্র পর্যালোচনা করতে গিয়ে কি ধরনের সমস্যার মুখোমুখি হচ্ছেন?)

15. Do you think that integrated land management will improve the complex situation & help in providing speedy service to the citizens ?

১৫. (আপনি কি মনে করেন সমন্বিত ভূমি ব্যবস্থাপনা বাংলাদেশের ভূমি ব্যবস্থার জটিলতার অবসানে উল্লেখযোগ্য ভূমিকা রাখবে এবং নাগরিকদের দ্রুত সেবা প্রদানে সহায়তা করবে?)

a. Yes

☐

b. No

☐

Explain in brief about our position (আপনার বক্তব্যের সমর্থনে কিছু বলুন) -----

16. Please give your further opinion in the introduction of integrated land management with a view point of delivering speedy service to the citizen.

১৬. (নাগরিকদের দ্রুত সেবা প্রদানের লক্ষে সমন্বিত ভূমি ব্যবস্থাপনা চালু করার ব্যাপারে আপনার যদি অতিরিক্ত কোন মতামত থাকে লিখুন?)



1. Name :

2. Occupation :

2a. Present Position

2b. Official Address

3. Permanent Address :

4. Experience in land management :

5. What is the main reason behind complexity of land management in Bangladesh?

a. Disintegration ☐

b. Legal complexity ☐

c. Corruption ☐

d. Historical Legacy ☐

e. Others ☐

6. Do you think present land management structure at field level is sufficient for providing speedy service to the citizens?

a. Yes ☐

b. No ☐

Explain in brief about our position -----

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7. If not then what is the simplest solution?

a. Bringing field level offices under one umbrella ☐

b. Rearranging the procedure with in the existing system ☐

c. others ☐

If option is C Please give your opinion-----

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8. What is the principal cause behind so many Civil and criminal dispute in Bangladesh? (Please provide % in the Box)

a. land dispute ☐

b. family dispute ☐

c. Financial transaction ☐

d. Dowry and other woman harassment ☐

e. Others ☐



a. upzilla Land Office

☐

b. Settlement office

☐

c. Sub Registry office

☐

d. New office

☐

10. Do you think integrated land management at different level will improve the complex situation of land management in Bangladesh?

a. Yes

☐

b. No

☐

Explain in brief about our position -----

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11. Do you think Government should pay proper and timely attention to land management?

a. Yes

☐

b. No, enough has been done

☐

Explain in brief about our position -----

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12. How can we improve the existing land management system to address the need of citizen's demand about getting speedy service?

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13. What is the reason of disintegrated land administration in Bangladesh?

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14. What kind of problems are you facing in handling land documents?

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15. What is your opinion about the rule bureaucracy regarding integrated land management?

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16. Do you think that government has taken sufficient reform measures in the line of integrated land management?

*a. Yes*

☐

*b. No*

☐

Please explain your position.

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17. Please give your further opinion in the introduction of integrated land management with a view of delivering speedy service to the citizen.

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